

From: Public Policy Law360
Sent: Wednesday, May 2, 2018 5:00 AM
To: Rep48
Subject: White House Delay Fuels Industry Unrest Over Metal Tariffs



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Wednesday, May 2, 2018



TOP NEWS

White House Delay Fuels Industry Unrest Over Metal Tariffs

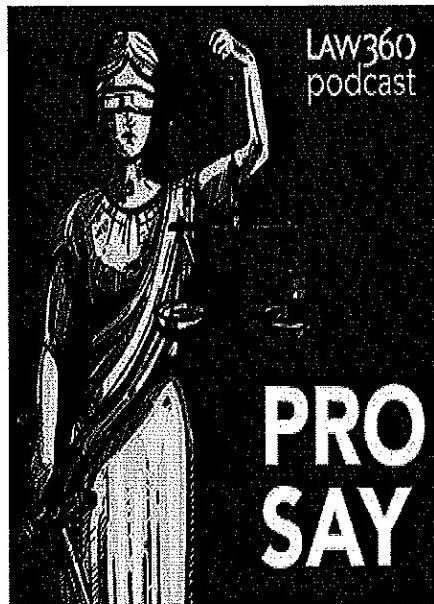
President Donald Trump's decision to hold off on imposing steel and aluminum tariffs on close U.S. allies late on Monday did little to ease the concerns of the various businesses that may be afflicted by the duties. [Read more »](#)

DOJ Arrests Migrants It Suspects Are Part Of 'Caravan'

The U.S. Department of Justice on Monday filed criminal charges against 11 individuals it suspects entered the United States in late April without authorization, contending that they are members of a "caravan" of migrants traveling from Central America to enter the country. [Read more »](#)

DOJ Will Not Be 'Extorted,' Rosenstein Says

Following reports that Republican lawmakers have drafted articles of impeachment against



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LAW FIRMS

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him, Deputy Attorney General Rod J. Rosenstein, the overseer of special counsel Robert Mueller's ongoing probe into Russian interference in the 2016 election, declared Tuesday that the U.S. Department of Justice "is not going to be extorted." [Read more »](#)

2nd Circ. Axes Rights Challenge To NYC Uber, Lyft Regs

The Second Circuit ruled Tuesday that New York City properly justified crafting different regulations for for-hire vehicles like Uber and Lyft, rejecting a suit alleging the uneven set of rules deprived medallion taxicabs of their equal protection and due process rights. [Read more »](#)

Water Groups Lose Bid To Halt Salmon Protection Measures

A California federal judge refused to halt or tweak an order meant to help protect a population of a threatened salmon species in the Klamath River, rejecting an argument by water groups that new evidence shows the protective measures are unnecessary in 2018. [Read more »](#)

Sen. Calls For Probe Of Proposed T-Mobile-Sprint Merger

Lawmakers must probe whether T-Mobile US Inc. and Sprint Corp.'s proposed \$59 billion merger will lift pressure on mobile carriers to offer wireless services at affordable rates, according to a prominent Democrat on the Senate committee that oversees communications regulatory matters. [Read more »](#)

BANKING & SECURITIES

State Bank Regulators' Suit Over OCC Fintech Charter Tossed

A D.C. federal judge on Monday threw out a state bank regulator group's challenge to the Office of the Comptroller of the Currency's proposed special purpose charter for financial

Cleary Gottlieb
Clyde Snow
Davis Graham
Davis Polk
Day Pitney
Earthjustice
Einhorn Harris
Fish & Richardson
Fredericks Peebles
Fried Frank
Greenberg Traurig
Hogan Lovells
Holland & Hart
Holland & Knight
Kirkland & Ellis
Littler Mendelson
Manatt Phelps
McDermott Will
Morrison & Foerster
Motley Rice
Murphy & McGonigle
Native American Rights Fund
Paul Hastings
Paul Weiss
Richards Kibbe
Riley Safer
Schiff Hardin
Simpson Thacher
Skadden
Somach Simmons
Sonosky Chambers
Taft Stettinius
Wanger Jones
Western Environmental Law Center
WilmerHale
COMPANIES
AT&T Inc.

technology firms, ruling that it's too soon to be suing over a charter that hasn't been issued yet. [Read more »](#)

Ex-WilmerHale Atty To Lead SEC's International Affairs Office

The U.S. Securities and Exchange Commission has tapped a former WilmerHale attorney, who joined the agency in 2011, to head its Office of International Affairs after current director Paul Leder steps down in June, the SEC said in a statement Tuesday. [Read more »](#)

ENERGY & ENVIRONMENTAL

Analysis

Calif. Fires First Shot In EPA Fuel Economy Rollback Fight

With 16 other states at its side, California on Tuesday urged the D.C. Circuit to overturn the U.S. Environmental Protection Agency's decision to revisit Obama-era greenhouse gas vehicle emission standards in what attorneys say is the opening salvo in a potentially lengthy, bitter war between states and the Trump administration over the future regulation of auto emissions. [Read more »](#)

EPA, Corps Lose Bid To Delay Restart Of Water Rule Row

A federal judge on Tuesday upheld a magistrate judge's ruling resuming a lawsuit in which a North Dakota-led coalition of states is challenging a controversial Obama-era rule defining the Clean Water Act's reach, rejecting the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers' arguments in favor of halting the case for another year. [Read more »](#)

Pa. House Panel OKs Rework Of Conventional Gas Well Rules

In the ongoing fight over how best to regulate natural gas drilling in Pennsylvania, a state legislative committee on Monday gave

American Bankers Association
American Bar Association
American Civil Liberties Union
American College of Emergency Physicians
American Medical Association Inc.
Arizona Chamber of Commerce
Associated Press
Cable News Network Inc.
Cable-Satellite Public Affairs Network
Center for American Progress
Clean Air Task Force
Conference of State Bank Supervisors
Equifax Inc.
Exterro Inc.
Google Inc.
International Business Machines Corporation
Lambda Legal Defense & Educational Fund
LinkedIn Corp.
Lyft Inc.
Major Lindsey & Africa
Make the Road New York
MasterCard Incorporated
Microsoft Corporation
Moody's Corporation
Morgan Stanley
NBCUniversal Inc.
National Immigration Law Center
Natural Resources Defense Council
Navient Corp.
Nestle
New York Times Co.
Oracle Corp.
Sharp Corp.

preliminary approval to a bill that would bar so-called conventional wells from facing the sorts of regulations designed for hydraulically fractured wells. [Read more »](#)

Utah County Says Cropping Bears Ears Is An Economic Boon

The Utah county that includes Bears Ears National Monument asked a D.C. federal court Tuesday to allow it to intervene in consolidated suits challenging President Donald Trump's proclamation shrinking the monument's borders, saying the county's economy could be harmed if the challenges are successful and the reduction is overturned. [Read more »](#)

Delayed Parts Of Obama-Era Methane Rule Won't Be Resumed

A Wyoming federal judge on Monday declined to suspend his earlier decision to delay the implementation of certain parts of an Obama-era rule restricting methane emissions from natural gas wells on public and tribal lands while environmental groups and states appealed the delay, finding that the status quo should be maintained. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

FAA Expands Automated Drone Flight Authorization System

The Federal Aviation Administration has begun to expand its nascent automated airspace authorization system for drones, it announced Monday, saying it has launched a new "beta test" that will roll out the system to nearly 300 additional air traffic facilities across the U.S. over the next few months. [Read more »](#)

INSURANCE

Calif. Regulator OKs First Policy For Pot Biz Landlords

California's insurance regulator said Tuesday he has approved a first-of-its-kind insurance

Sports Authority Inc.

Sprint Nextel Corporation

T-Mobile USA Inc.

Tax Foundation

The University of Alabama System

Twitter Inc.

Uber Technologies Inc.

Universal Service Administrative Co.

Washington Post Co.

GOVERNMENT AGENCIES

Army Corps of Engineers

Bureau of Citizenship and Immigration Services

Bureau of Economic Analysis

Bureau of Land Management

Bureau of Reclamation

Consumer Financial Protection Bureau

European Commission

European Union

Executive Office of the President

Federal Aviation Administration

Federal Bureau of Investigation

Federal Communications Commission

Federal Reserve System

Federal Trade Commission

Government Accountability Office

Hoopo Valley Tribe

Hopi Tribe

House of Lords of the United Kingdom

Internal Revenue Service

National Highway Traffic Safety Administration

National Marine Fisheries Service

Navajo Nation

policy tailored to the risks faced by landlords who rent properties to legal marijuana businesses. [Read more »](#)

EMPLOYMENT

Employers Vexed As States Shift On Equal Pay, Leave

Many employers continue to struggle with a rapidly changing patchwork of state and local workplace laws that includes measures aimed at closing pay gaps between men and women and guaranteeing workers paid sick leave, according to an annual survey of businesses released Wednesday by Littler Mendelson PC. [Read more »](#)

IRS, Labor Dept. Keep Rules On Health Insurers' ACA Burden

There will be no change to the rules by which health insurers cover medical costs associated with out-of-network emergency services for nongrandfathered Affordable Care Act plans, the Internal Revenue Service and other federal agencies said in guidance released Tuesday. [Read more »](#)

COMPETITION

New FTC Chairman Sworn In As Agency Refills Seats

The Federal Trade Commission's new chair was sworn in Tuesday, placing ex-Paul Weiss Rifkind Wharton & Garrison LLP partner Joseph Simons at the head of the competition regulator less than a week after he and four other nominees were confirmed by the Senate. [Read more »](#)

CONSUMER PROTECTION

Senate Dems Want Inquiry Over Mulvaney's Lobbyist Remarks

Sen. Bernie Sanders, I-Vt., and five Senate Democrats on Tuesday called for an investigation into whether Consumer Financial

New York State Department of Financial Services

Office of the Comptroller of the Currency

Pennsylvania Supreme Court

Securities and Exchange Commission

U.S. Army

U.S. Attorney's Office

U.S. Consumer Product Safety Commission

U.S. Customs and Border Protection

U.S. Department of Defense

U.S. Department of Education

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of State

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. House Committee on Energy and Commerce

U.S. Immigration and Customs Enforcement

U.S. Supreme Court

Yurok Tribe

Protection Bureau Acting Director Mick Mulvaney's recent remarks at a bank industry gathering violated a federal law restricting political activity by federal employees. [Read more »](#)

AEROSPACE & DEFENSE

Iran Ordered To Pay \$6.27B To 9/11 Victims' Families

A federal judge in New York ordered Iran to pay certain family members of 9/11 victims some \$6.27 billion as compensation for pain, suffering and mental anguish after the Islamic republic failed to refute allegations that it sponsored al-Qaida and was partly liable for the terrorist attack. [Read more »](#)

Gov't Wants Transgender Ban Injunction Stayed For Appeal

The federal government has urged a Washington federal judge to stay her injunction against President Donald Trump's policy barring many transgender individuals from military service, pending an appeal, saying the U.S. will be irreparably harmed if it cannot begin implementing the ban. [Read more »](#)

Tech Group Urges More Transparency On DOD Cloud Deal

An industry group that represents Google, Microsoft Corp. and dozens of other information technology firms that serve the public sector issued a letter calling for lawmakers to release an upcoming U.S. Department of Defense report on its contentious JEDI cloud procurement and steer the DOD away from its single-source proposal. [Read more »](#)

INTERNATIONAL TRADE

Despite Reprieve, EU Still Irked By US Tariff Drama

The European Commission on Tuesday demanded a permanent exemption from

national security-based steel and aluminum tariffs that U.S. President Donald Trump temporarily held back from implementing on the European Union and other allies late Monday in light of ongoing negotiations while at the same time granting other allies a permanent reprieve. [Read more »](#)

TAX

Analysis

Increased Gov't Borrowing For Tax Cuts May Be Precarious

The government's first official gross domestic product estimates in the wake of extensive tax cuts indicate a healthy economy, but the Treasury Department's record borrowing of \$488 billion this year could result in long-term pain for Americans as they come down from the sugar high of a one-time tax boost. [Read more »](#)

Minn. GOP Moves Toward Tax Plans To Bring To Gov.

Minnesota Republicans are getting closer to forming a tax plan they can use to negotiate with Democratic Gov. Mark Dayton, with the Senate releasing its plan Tuesday and the House passing one Monday. [Read more »](#)

Soda Tax Preemption Bill Clears Pa. House Committee

A Pennsylvania legislative committee signed off on a measure Tuesday that would invalidate the city of Philadelphia's controversial tax on sweetened beverages and preempt other municipalities in the state from enacting similar measures. [Read more »](#)

Arizona Group Seeks Tax on Wealthy To Fund Education

As angry Arizona teachers skipped school to march on the state capital for a fourth day Tuesday, their allies and advocates were busy gathering signatures on the sidelines in support of a plan that would raise taxes on the

state's top earners to increase funding for education. [Read more »](#)

IMMIGRATION

7th Circ. Won't Stay Injunction In Sanctuary City Grant Row

The Seventh Circuit will not put a temporary hold on a national injunction barring the U.S. Department of Justice from putting immigration-related conditions on a grant supporting public safety, a panel said Tuesday. [Read more »](#)

Texas, 6 Other States Sue To End DACA

Texas and six other states sued the federal government on Tuesday seeking to end the Deferred Action for Childhood Arrivals program, saying the 2012 executive action that created the program was improper lawmaking by the executive branch. [Read more »](#)

Gov't Can Appeal Role Of Public Statements In DACA Suit

A New York federal judge on Monday granted the Trump administration's request to let an appeals court determine whether the president's campaign trail statements can factor into a case over the proposed rollback of the Deferred Action for Childhood Arrivals program. [Read more »](#)

Gov't Seeks To Shield Info In FOIA Suit Over Haitian Status

The federal government asked a New York federal court to allow it to block the release of information sought by a nonprofit group of lawyers alleging the Trump administration failed to completely respond to its Freedom of Information Act request seeking records related to its November decision to end temporary protected status for Haitian immigrants. [Read more »](#)

Married Couples Seek Cert. In Immigrant Spouse Challenge

Several married couples who allege the government is unlawfully trying to detain and deport immigrant spouses who are seeking permanent residency and are married to U.S. citizens asked Monday that a Massachusetts federal court certify a class and temporarily bar the practice. [Read more »](#)

Immigrant Children Ask Judge to Halt Detention Policy

A proposed class of immigrant children asked a New York federal judge on Monday to vacate a Trump administration release policy that has kept them in prolonged detention and to order officials to promptly reunite them with their families. [Read more »](#)

TELECOMMUNICATIONS

FCC's Universal Service Fund Moved To Treasury

The Universal Service Administrative Co., the nonprofit that administers the Federal Communications Commission's Universal Service Fund, has moved its funds from private banks to the U.S. Treasury, the company announced on Monday. [Read more »](#)

WHITE COLLAR

Manafort Wants Hearing On Leaking, Evidence Tossed

Paul Manafort urged a Virginia federal court Monday to conduct a hearing about who leaked information related to his pending case for bank fraud, also asking the judge to suppress evidence collected from his home and a storage unit because he said the warrants were overbroad. [Read more »](#)

PEOPLE

DOJ Taps New Deputy For Criminal Antitrust Enforcement

The U.S. Department of Justice will name Richard A. Powers, a trial attorney from its criminal division, to serve as the antitrust division's criminal enforcement deputy, a source with knowledge of the matter told Law360 on Tuesday. [Read more »](#)

FTC Names Cadwalader Atty As New Policy Planning Director

The Federal Trade Commission announced a new policy planning chief Monday who rejoins the agency after more than a decade in private practice, coming most recently from Cadwalader Wickersham & Taft LLP. [Read more »](#)

EXPERT ANALYSIS

Series

State Tax After TCJA: Blue States' Deduction Strategies

What do you do when it seems that Washington is out to get you? If you are a lawmaker or governor in New York, California, New Jersey or any of several other blue states that relies on significant income or property taxes to pay your state's bills, you get creative, says Gary Botwinick of Einhorn Harris Ascher Barbarito & Frost PC. [Read more »](#)

The Myth Of Corporate Tax Residence

Numerous commentators have argued that the problem behind the maladies of the current international corporate tax regime is a flawed definition of corporate residence. However, such an assumption is unwarranted as tax residence is an attribute of individuals only, inapplicable to the corporate entity, says David Elkins of Netanya College. [Read more »](#)

After Trump's Policy Purges, Who Speaks For The Victims?

Under President Donald Trump, federal agencies have killed or delayed key

regulations and imposed drastically fewer penalties against corporate wrongdoers — thus enabling cheaters, victimizing consumers and compromising well-behaving companies. It falls to state attorneys general, as well as the private bar — plaintiffs and defense attorneys together — to pick up the slack, says Daniel Karon of Karon LLC. [Read more »](#)

The Rapidly Evolving Medicare Telehealth Landscape

One of the biggest drivers of change in the telehealth industry is the Creating High-Quality Results and Outcomes Necessary to Improve Chronic Care Act, which was part of the recently passed Bipartisan Budget Act. The improvements included in the legislation are just the latest efforts signed into law to modernize telehealth nationwide, says Miranda Franco of Holland & Knight LLP. [Read more »](#)

NJ Real Estate Considerations After Cannabis Legalization

Given New Jersey's unique real estate regulatory regimen, the likelihood of cannabis legalization raises many legal considerations that will impact everything from property taxation to regulation of dispensary outlets, say attorneys with Day Pitney LLP. [Read more »](#)

LEGAL INDUSTRY

BigLaw Beware: Boutiques Are Coming For Your Clients

As a number of prominent partners leave BigLaw and join boutiques — or form their own — some high-paying and sought-after work is being funneled away from the global giants to more modestly sized law firms. [Read more »](#)

In-House Legal Budgets To Expand As Outside Spending Falls

After years of cuts, overall legal spending is on the rise, with nearly half of the law department decision makers who participated in a recent study expecting their total in-house budget to

increase this year and most anticipating their outside investments to drop, according to data released on Tuesday. [Read more »](#)

Schiff Hardin Adopts New Parental Leave Policy

Schiff Hardin LLP said Tuesday it has implemented a new benefits plan for employees that will help them transition into parental leave and return to work by reducing the hours requirement by 20 percent for one month before childbirth and one month after returning to work. [Read more »](#)

Split 11th Circ. Backs 343-Yr Sentence For Trying To Kill Judge

A split Eleventh Circuit panel Tuesday affirmed a federal court's judgment in sentencing a 27-year-old man who tried to kill a Florida federal judge to 343 years imprisonment, with one dissenting judge arguing the man's mental health problems should have set aside a sentencing enhancement. [Read more »](#)

JOBS

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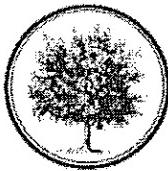
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From: The Buckeye Institute
Sent: Wednesday, May 9, 2018 10:05 AM
To: Rep48
Subject: The Buckeye Institute Again Calls on Policymakers to Close Tax Loopholes



THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms
(614) 224-3255 or Lisa@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
May 9, 2018

The Buckeye Institute Again Calls on Policymakers to Close Tax Loopholes

Greg Lawson Submits Written Testimony to the Ohio Tax Expenditure Review Committee

Columbus, OH -- The Buckeye Institute's Greg R. Lawson submitted written testimony today (see full text below or [download a PDF](#)) to the Ohio Tax Expenditure Review Committee urging the committee to close tax loopholes, which would create a better economic environment to grow Ohio's economy.

Lawson opened his testimony highlighting the positive steps policymakers have taken in the past eight years, including lowering the state's personal income tax and slowly addressing its "flawed municipal income tax system." Lawson said these changes have improved Ohio's business climate, but said more can be done and that "Confronting the proliferation of tax expenditures, commonly called 'tax loopholes,' is the next logical step for meaningful reform."

Beyond simply closing loopholes, Lawson noted that The Buckeye Institute, **along with Policy Matters Ohio**, would urge policymakers to include an automatic sunset for tax expenditures saying, "Such a sunset provision would...ensure that loopholes are regularly reviewed and eliminated when they no longer serve a public good."

By closing tax loopholes, which will cost Ohio **more than \$18 billion** in revenue in 2018-2019, Lawson noted that policymakers would make Ohio tax code less complex, more transparent, and more equitable -- all **hallmarks of sound tax policy**.

Lawson went on to point out that Buckeye has **already identified \$1.8 billion in tax loopholes that should be closed** and ended saying, "Closing unnecessary tax loopholes will save the state revenue, level the tax burden for businesses and families, and allow for further reductions in the state's still-too-high income taxes. By doing so, policymakers will strengthen Ohio's economic environment and job creation climate that will provide even greater prosperity."

The Buckeye Institute **first called for the creation of the review committee** in 2011, when, along with the Center for Community Solutions and the Greater Ohio Policy Center, it identified **20 loopholes** that should have been closed.

#

**Interested Party Written Testimony Submitted to the
Ohio Tax Expenditure Review Committee**

**Greg R. Lawson, Research Fellow
The Buckeye Institute
May 9, 2018**

Chairman Oelslager and members of the Tax Expenditure Review Committee, thank you for the opportunity to submit written testimony today.

My name is Greg R. Lawson. I am the research fellow at **The Buckeye Institute**, an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.

The Kasich Administration and the General Assembly have made progress improving Ohio's tax system. The state's personal income tax has been lowered to less than five percent, Ohio relies more on the consumption tax, which is less economically distorting, and the state has begun to slowly address its flawed municipal income tax system. These changes have improved Ohio's business climate, but more can and should be done to make Ohio more attractive to citizens and new businesses.

Confronting the proliferation of tax expenditures, commonly called "tax loopholes," is the next logical step for meaningful reform. Eliminating unneeded tax expenditures will further

reduce Ohio's personal income tax, which will create a better economic environment for job creators of all shapes and sizes to grow Ohio's economy. For years, The Buckeye Institute has called for a more thorough review of tax expenditures, and we do so again today.[1]

In 2011, we joined with the Greater Ohio Policy Center and the Center for Community Solutions, two think tanks with policy views quite different than our own, to call for something similar to this very Committee to be created in order to examine the true economic effects of tax loopholes.[2] Today, we agree with our friends at Policy Matters Ohio who have called for an automatic sunset of tax expenditures in the absence of their explicit reauthorization by the General Assembly. Such a sunset provision would heighten the urgency of this review process and ensure that loopholes are regularly reviewed and eliminated when they no longer serve a public good.[3]

New tax expenditures have been inserted into the tax code at the state and federal levels for decades. Many with good reason. For example, sales tax exemptions have helped Ohio avoid a crippling tax system that inflates prices and costs to consumers by taxing subcomponents of products during production, and Ohio is wise to use exemptions that prevent such harmful taxes. But not all tax exemptions have such a net positive effect. Loopholes make the tax system more complex, less transparent, and less equitable -- all hallmarks of an unsound tax policy.[4] By contrast, lower, fairer income taxes and consumption taxes will improve Ohio's tax climate without creating unfair economic advantages for some at the expense of others.

Tax expenditures cost the state tax revenue that must then be made up by other taxes and taxpayers. When, for instance, the General Assembly gives annual \$1.6 million tax exemptions for flight simulators, the rest of us without flight simulators must off-set that lost revenue through other taxes. Similar exemptions that require off-setting taxes and tax hikes now permeate the state's tax code, and their associated costs add up. According to the latest Tax Expenditure Report from the Department of Taxation, Ohio is estimated to lose more than \$18 billion in revenue during the Fiscal Years 2018-2019 biennial budget period.[5]

To help address the loophole and lost revenue problem, The Buckeye Institute recently suggested closing a number of tax loopholes that cost Ohio more than \$1.8 billion.[6] Our suggestions include:

- The notorious NetJets loophole for those who buy shares of corporate jets;
- The motion picture tax credit, already eliminated in other states, including Michigan;[7]

- Credits for political campaign contributions; and
- The job retention and creation tax credits that favor some businesses over others.

State policymakers have significantly improved Ohio's tax system over the past decade and a half, but more work remains to be done. Fifteen years ago, Ohio had an uncompetitive tangible personal property tax and a highly progressive personal income tax with an onerous top rate of more than seven percent.^[8] As this Committee knows, that top income tax rate is actually higher due to Ohio's burdensome municipal income tax system and, in many cases, local school district income taxes. Since then, tax reform efforts have helped relieve some of the burden, but today Ohioans pay a total tax bill that remains much higher than it should.^[9]

Ohio's average combined state *and* local tax rate is still more than seven percent according to the non-partisan Tax Foundation.^[10] In some places it can climb even higher, with the combined state and local tax rate reaching nearly 10 percent^[11] -- a level one might expect in high-tax states like New York.^[12] Such high rates have real world consequences for workers, businesses, and states. As the Tax Foundation has demonstrated, people and jobs do in fact migrate from high-tax states to low-tax states -- and that migration will inevitably cost Ohio workers, businesses, and future economic opportunities.^[13]

As state policymakers continue to tackle tax reform and strive to improve Ohio's recovering economy, the work of this Committee is critical. Closing unnecessary tax loopholes will save the state revenue, level the tax burden for businesses and families, and allow for further reductions in the state's still-too-high income taxes. By doing so, policymakers will strengthen Ohio's economic environment and job creation climate that will provide even greater prosperity.

[1] **Tax Loopholes Ohio Should Close**, The Buckeye Institute (Last visited May 2, 2018).

[2] *The Plain Dealer* Editorial Board, **When 3 Think Tanks With Quite Different Outlooks Agree on a List of Tax Loopholes to Close, Ohio's Leaders Should Listen**, *The Plain Dealer*, May 21, 2011.

[3] Zach Schiller and Wendy Patton, **Testimony to Tax Expenditure Review Committee**, Policy Matters Ohio, April 25, 2018.

[4] Rea S. Hederman Jr., Tom Lampman, Greg R. Lawson, and Joe Nichols, **Tax Reform Principles for Ohio**, February 2, 2015.

[5] Ohio Department of Taxation, **Tax Expenditure Report: The State of Ohio Executive Budget- Fiscal Years 2018-2019**, November 25, 2016.

[6] **Tax Loopholes Ohio Should Close**, The Buckeye Institute (Last visited May 2, 2018).

[7] Paul Egan, **Snyder Signs Bill Ending Incentives for Film Industry**, *Detroit Free Press*, July 10, 2015.

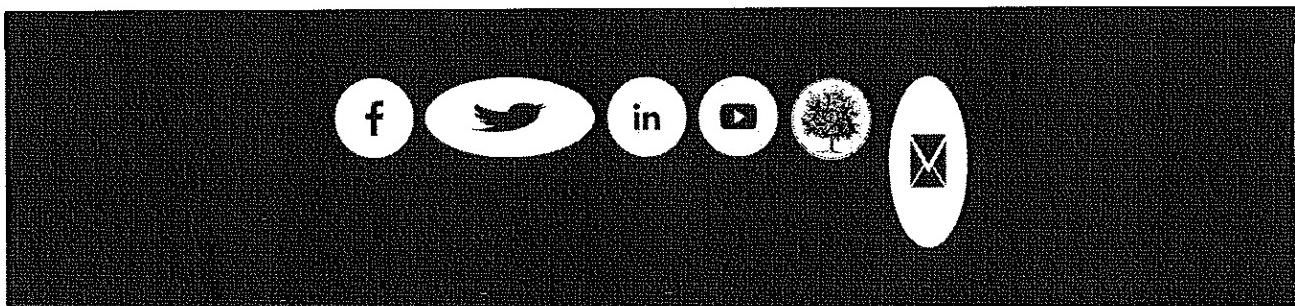
[8] **Ohio Individual Income Tax Rates: 2005-2017**, Ohio Department of Taxation (Last visited May 1, 2018).

- [9] Student Tax Education Program - Tax History, Ohio Department of Taxation (Last visited May 1, 2018).
- [10] Jared Walczak and Scott Drenkard, **State and Local Tax Rates 2018**, The Tax Foundation, February 13, 2018.
- [11] Morgan Scarboro, Scott Drenkard, and Rea S. Hederman Jr., *Ohio Illustrated: A Visual Guide to Taxes and the Economy*, The Tax Foundation and The Buckeye Institute, June 2017.
- [12] *Ibid.*
- [13] State to State Migration Data, The Tax Foundation (Last visited May 3, 2018).

#

Founded in 1989, The Buckeye Institute is an independent research and educational institution - a think tank - whose mission is to advance free-market public policy in the states.

The Buckeye Institute is a non-partisan, non-profit, and tax-exempt organization, as defined by section 501(c)(3) of the Internal Revenue code. As such, it relies on support from individuals, corporations, and foundations that share a commitment to individual liberty, free enterprise, personal responsibility, and limited government. The Buckeye Institute does not seek or accept government funding.



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Sent by info@buckeyeinstitute.org

From: Public Policy Law360
Sent: Monday, May 14, 2018 4:58 AM
To: Rep48
Subject: 'High-Performance' Building Becoming Easier, Less Costly



Monday, May 14, 2018



TOP NEWS

Feature

'High-Performance' Building Becoming Easier, Less Costly

With businesses and governments looking for ways to save money on operating costs in buildings and garner some positive press at the same time, "high-performance" structures that use the latest technology to conserve energy and water have overcome an early reputation for costliness and are becoming a more popular choice. [Read more »](#)

Analysis

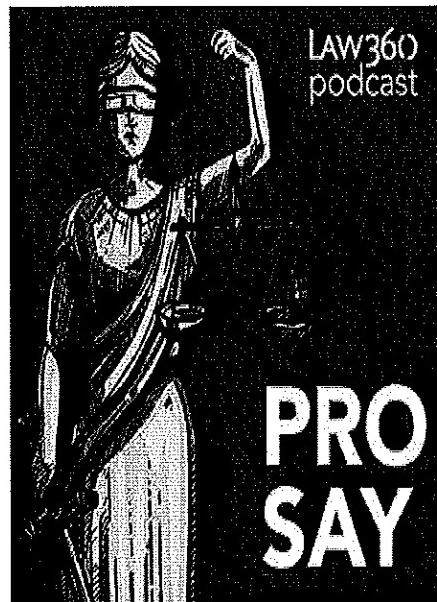
5 Common Myths About EU's New Data Protection Regime

The sweeping General Data Protection Regulation set to take effect in the European Union in just two weeks promises to revolutionize how companies around the globe handle personal data while imposing stiff penalties on those that don't comply. But attorneys say that although companies have had two years to get up to speed, several troubling myths still persist. [Read more »](#)

Feature

Wayfair's Counsel On Keeping State Tax Law Constitutional

Even for Wayfair counsel George Isaacson, who has decades of experience representing



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LAW FIRMS

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Allen & Overy
Altshuler Berzon
Anthony Kennedy PC
Arnold & Porter
Baker Botts
Baker McKenzie
Bernabei & Kabat

retailers, the South Dakota statute used to challenge the physical presence standard for sales and use tax collection was something new. In this interview, the Brann & Isaacson senior partner describes how the law is unique — and not necessarily in a good way. [Read more »](#)

Analysis

Trump Vows Cheaper Drugs 'Very Soon,' But That's Unlikely

President Donald Trump on Friday uncorked numerous proposals to ease drug prices and promised that consumers will benefit "very soon," but the proposals are so vague and preliminary that major short-term relief is unlikely, experts say. [Read more »](#)

Analysis

FinCEN Due Diligence Rule Should Be On Crypto Cos.' Radar

The Financial Crimes Enforcement Network's customer due diligence rule went into effect Friday for banks and certain other financial institutions, and cryptocurrency companies that may not be covered by the rule now would be wise to pay attention to it, legal experts say. [Read more »](#)

BANKING & SECURITIES

Blockchain Startup Prometheum Files \$50M ICO Under Reg A+

Blockchain technology startup Prometheum Inc. on Friday filed amended plans to raise up to \$50 million through an initial coin offering, using the so-called Reg A+ exemption in hopes of satisfying securities regulators who are increasingly scrutinizing the novel capital-raising deals often dubbed ICOs. [Read more »](#)

Analysis

SEC Faces Calls To Push Back Harder On Audit Trail Delays

Eight years have passed since the May 6, 2010, flash crash and calls are growing for the U.S. Securities and Exchange Commission to

Blank Rome
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Buchalter PC
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Carlton Fields
Carter Ledyard
Cleary Gottlieb
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Cooper & Kirk
Cotchett Pitre
Covington & Burling
Cozen O'Connor
Crowell & Moring
Davis Wright Tremaine
Debevoise & Plimpton
Duane Morris
Fisher Phillips
Foley & Lardner
Garland Samuel
Gibson Dunn
Greenberg Traurig
Groom Law Group
Grower Ketcham
Gusrae Kaplan
Harris Wiltshire
Hogan Lovells
Holland & Knight
Hunton Andrews Kurth
Husch Blackwell
Jenner & Block
Jones Day
Katten Muchin
Kaufman Semeraro
Kelley Drye
Kilpatrick Townsend
Kirkland & Ellis
Kostelanetz & Fink

forcefully address delays to a powerful, long-awaited market surveillance tool called the consolidated audit trail designed to prevent a repeat. [Read more »](#)

NRA Sues Cuomo, NY Regulator For 'Discrimination Campaign'

The National Rifle Association sued New York Gov. Andrew Cuomo and the state's top financial regulator on Friday, seeking millions of dollars in damages for what it alleges has been an "overt viewpoint-based discrimination campaign" that is scaring off the gun rights organization's business partners and threatening its First Amendment rights. [Read more »](#)

Scottrade Rips Mass. Official's Bid To Remand Fiduciary Row

Attorneys for Scottrade Inc. blasted Massachusetts' top securities official Friday in opposing a bid to litigate an enforcement action at the state level, accusing him of carrying out a personal vendetta of sorts to enforce the U.S. Department of Labor's upended fiduciary rule for retirement account advisers. [Read more »](#)

ENERGY & ENVIRONMENTAL

Analysis

Low-Profile EPA Air Quality Shift Could Mean Big Changes

The U.S. Environmental Protection Agency recently revealed a significant change in how it assesses air pollution from closely linked facilities in an unpublicized letter to Pennsylvania environmental regulators, and experts say it will result in an easier permitting process for some projects. [Read more »](#)

Enviros Push To Kill Waiver For New Mexico Border Wall

Environmental groups asked a D.C. district judge on Thursday to kill the waiver for environmental and other oversight laws

Latham & Watkins
Lieff Cabraser
Locke Lord
McDermott Will
McKool Smith
Morgan Lewis
Morrison & Foerster
Murphy & McGonigle
Norton Rose Fulbright
O'Melveny & Myers
O'Neill & Borges
Paul Hastings
Pietrantoni Mendez
Polsinelli
Proskauer Rose
Reed Smith
Ropes & Gray
Saul Ewing
Schiff Hardin
Sheehan Phinney
Sidley Austin
Simpson Thacher
Skadden
Stevens & Lee
Stoel Rives
Stradley Ronon
Thompson Hine
Tompkins McGuire
Venable LLP
Ware Immigration
Weitz & Luxenberg
Winston & Strawn

COMPANIES
Adventist Health System Inc.
Advocate Health Care Inc.
Air Line Pilots Association International
America's Health Insurance Plans

granted by the U.S. Department of Homeland Security for the quick construction of an approximately 20-mile stretch of border wall, alleging Congress never gave it such wide power. [Read more »](#)

REAL ESTATE

Transcript Mishap Sinks Challenge To 91-Home Project In NJ

A New Jersey state appellate panel has refused to disturb a trial court ruling tossing a lawsuit over the municipal approval of a 91-home development in Bayonne because the project's opponents never ordered transcripts of the proceedings before the city's planning board after telling the court they had done so. [Read more »](#)

EMPLOYMENT

9th Circ. Revives Chamber's Suit Over Seattle Uber Union Law

The Ninth Circuit on Friday breathed new life into the U.S. Chamber of Commerce's challenge to a Seattle law letting app-based drivers bargain collectively, partially reversing a trial court's decision that dismissed the suit and holding that the city ordinance isn't exempt from federal antitrust law. [Read more »](#)

US Enters ERISA Suit To Defend 'Church Plan' Exemption

The federal government intervened Friday in a proposed class action in Florida accusing Adventist Health System of underfunding employee pension plans in violation of the Employee Retirement Income Security Act, but only for the limited purpose of defending the constitutionality of the law's "church plan" exemption. [Read more »](#)

COMPETITION

DC Circ. Grounds Union Hopes To Halt Norwegian Air Permit

American Bar Association
American Conference Institute
Avalere Health LLC
Avenue Capital Group
Bloomingdale's Inc.
Boston Scientific Corporation
Brigade Capital Management LLC
CBOE Holdings Inc.
Catholic Health Initiatives
Center for Biological Diversity Inc.
Citigroup Inc.
Cray Inc
Dynamex, Inc.
Express Scripts Inc.
Facebook
Financial Industry Regulatory Authority Inc.
Ford Motor Company
General Motors
Goldman Sachs Group Inc.
Google Inc.
Iconix Brand Group, Inc.
Immigrant Defense Project
Johnson & Johnson
KPMG International
L.L. Bean Inc.
Lyft Inc.
Mattress Firm Holding Corp.
NASDAQ OMX Group Inc.
NFL Enterprises LLC
National Employment Law Project
National Rifle Association of America
National Right to Work Legal Defense Foundation
National Women's Law Center
Nevro Corp.
New York City Bar Association

The DC Circuit has dampened the hopes of a group of airline unions, ruling Friday that the U.S. Department of Transportation had no reason to deny a foreign air carrier permit to a Norwegian Air subsidiary. [Read more »](#)

GOVERNMENT CONTRACTS

OptumRx Loses \$6B NJ Contract For Flouting Financial Terms

A New Jersey state appeals court clarified in a published decision Friday that government contract bids attempting to adjust financial terms in requests for proposals must be invalidated, upending a \$6 billion contract award to OptumRx Inc. to manage the health benefits of certain state employees. [Read more »](#)

INTERNATIONAL TRADE

Congress Again Angles For A Check On Trump's Trade Power

A bipartisan quartet of lawmakers unveiled new legislation on Thursday that would create a process for Congress to block new trade moves from the White House in an attempt to reclaim some of the trade power that the legislature has delegated to the executive branch. [Read more »](#)

TAX

IRS To Clarify Rules On Bonus Depreciation As Early As June

Regulations to clarify eligibility for full bonus depreciation of property could be issued as early as June, according to an Internal Revenue Service official speaking Friday at an American Bar Association tax conference. [Read more »](#)

Marinello Hasn't Put Brakes On Similar DOJ Pending Cases

The federal government is continuing to prosecute cases under a section of the tax

Northern Mariana Islands Retirement Fund
Northrop Grumman Corporation
OptumHealth Inc.
Promontory Financial Group LLC
QUALCOMM Incorporated
Quill Corp.
Rite Aid Corporation
SAS Institute
Savills Studley Inc.
Scottrade Inc.
Solus Alternative Asset Management LP
Southwest Airlines Co.
TD Ameritrade Holding Corporation
Tax Foundation
TechFreedom
Toyota Motor Corporation
U.S. Chamber of Commerce
Volkswagen
Washington Post Co.
Wayfair LLC

GOVERNMENT AGENCIES
Bureau of Citizenship and Immigration Services
Bureau of Labor Statistics
Crow Creek Sioux Tribe
Delaware Court of Chancery
Department of Commerce
Equal Employment Opportunity Commission
European Commission
European Union
Executive Office of the President
Federal Aviation Administration
Federal Bureau of Investigation
Federal Bureau of Prisons
Federal Communications Commission

code despite a recent U.S. Supreme Court opinion knocking down its broad interpretation of the relevant clause, an official said Saturday. [Read more »](#)

TCJA Provokes Questions About How To Define Entertainment

The U.S. tax overhaul scrapped employer deductions for the cost of business-related entertainment but kept a partial deduction for meals, prompting practitioners at a tax conference hosted Saturday by the American Bar Association in Washington to ponder when, exactly, a meal might become entertainment. [Read more »](#)

Treasury Mulling Intermediate Sales Quandary On TCJA

The U.S. Treasury Department is looking into whether incentives for exports in the recent federal tax overhaul apply to transactions that are required to go through an intermediary, such as arms sales to foreign buyers, an official said at a conference Friday. [Read more »](#)

IRS To Start Enforcing Crypto Withholding Rule, Panelist Says

The Internal Revenue Service will begin this year to more strictly enforce the requirement to withhold taxes for cryptocurrency payments to nonresident aliens, an attorney who has represented clients in related matters said at a Saturday tax conference in Washington, D.C. [Read more ½ B](#)

Wayfair Halted Online Tax Work, House Panel Counsel Says

Congressional negotiators were working on a compromise solution for regulating online taxation when the U.S. Supreme Court agreed to review *South Dakota v. Wayfair*, which brought talks to a halt, the chief counsel to the House Judiciary chair said Friday. [Read more »](#)

Federal Energy Regulatory Commission
Financial Crimes Enforcement Network
Food and Drug Administration
Illinois Supreme Court
Internal Revenue Service
Minnesota Legislature
NAFTA
National Telecommunications and Information Administration
New York Attorney General's Office
New York State Assembly
New York State Department of Financial Services
Ohio Supreme Court
Pennsylvania Department of Revenue
Port Authority of New York & New Jersey
Securities and Exchange Commission
U.S. Attorney's Office
U.S. Department of Defense
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of Transportation
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. General Services Administration
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Supreme Court
United States District Court for the Eastern District of Pennsylvania

'Hack Your State Department' Bill Clears House Panel

The House Foreign Affairs Committee has approved a bipartisan bill that aims to strengthen cybersecurity efforts at the U.S. State Department by getting hackers to point out vulnerabilities in the department's public networks and data systems. [Read more »](#)

ABA Seeks Clarity On New Exec Comp, Fringe Benefit Taxes

Multiple American Bar Association committees are collecting public comments on the tax treatment of fringe benefits and compensation at nonprofits from the federal tax overhaul, a tax lawyer said Friday at an American Bar Association tax conference in Washington, D.C. [Read more »](#)

Bloomingdale's Taxes Wrong Bags Under City Law, Suit Says

A purported class of Bloomingdale's customers slapped the company with a lawsuit in Illinois state court Thursday over claims its Chicago stores are charging an illegal sales tax on its garment bags under a local ordinance they say applies only to paper and plastic checkout bags. [Read more »](#)

Awaiting IRS Insight On Taxing Exec Pay, Cos. Craft New Plans

The U.S. tax overhaul's removal of performance-based pay as an exception to deduction limits on executive compensation is prompting some public companies to create new pay plans to ensure such incentives remain available, practitioners said at an American Bar Association conference Friday. [Read more »](#)

BANKRUPTCY

Restructuring Of Puerto Rico's Investment Bank Approved

Puerto Rico's federally appointed oversight board has officially signed off on a plan to

restructure the \$4.1 billion in debt held by the island's Government Development Bank, in a move government officials called an "important step" toward working out its total \$74 billion debt load. [Read more »](#)

IMMIGRATION

Feature

What You Need To Know As 9th Circ. Hears DACA Challenge

The Ninth Circuit will hear oral arguments Tuesday in a challenge to the Trump administration's attempted rescission of the Deferred Action for Childhood Arrivals program while members of Congress push to bring legislative replacements for the program to the floor for a vote. Here is what you need to know. [Read more »](#)

DOJ, USCIS Team Up In Foreign Worker Visa Crackdown

The Department of Justice and U.S. Citizenship and Immigration Services will team up to investigate fraud and abuse by employers who hire immigrants on foreign worker visas, according to a joint agreement between the agencies that went into effect Friday. [Read more »](#)

Calif. Moves To Bar Court Disclosure Of Immigration Status

The California State Legislature passed a measure Thursday to protect individuals testifying in court from having to unnecessarily disclose their immigration status, in an effort to encourage undocumented immigrants who are witnesses to or victims of crimes to come forward without fear of arrest or deportation. [Read more »](#)

TELECOMMUNICATIONS

FCC Plan To Divvy Car Safety Band Tempers Toyota's Dream

FCC commissioners may force Toyota to rework its plan to introduce vehicles able to wirelessly communicate with other vehicles and transportation infrastructure by 2021, telling the automaker that the agency is still considering letting other applications share a frequency previously reserved for auto safety. [Read more »](#)

Tribe Pushes Back At DC Circ. Against FCC Lifeline Changes

A Native American tribe has urged the D.C. Circuit to toss a Federal Communications Commission decision the tribe says limits which telecommunication providers can be subsidized for providing Lifeline services on tribal land. [Read more »](#)

WHITE COLLAR

Ex-NY Assembly Speaker Convicted After 2nd Graft Trial

Former New York State Assembly Speaker Sheldon Silver was convicted Friday for the second time for reaping what prosecutors say was a quid pro quo in which Silver accepted millions of dollars in illicit referral fees from developers and an asbestos disease doctor and took official action on their behalf. [Read more »](#)

GWB Scandal Figure Loses Bid For Ireland Trip Amid Appeal

A New Jersey federal court has rejected a former Port Authority executive's bid to travel to Ireland on Monday while he appeals his conviction for reducing local access lanes to the George Washington Bridge in a political revenge scheme. [Read more »](#)

EXPERT ANALYSIS

Inside The New DOJ Policy On Coordinated Enforcement

A recent policy announcement by Deputy Attorney General Rod Rosenstein appears to

be an express acknowledgement by the U.S. Department of Justice of the need to mitigate the disproportionate and harmful consequences that can result when multiple enforcement authorities seek to investigate and punish the same conduct, say attorneys with Winston & Strawn LLP. [Read more »](#)

5th Pillar Of AML Compliance Is Here, But Questions Remain

The Financial Crimes Enforcement Network's long-awaited customer due diligence rule — the so-called "fifth pillar" of anti-money laundering programs — is now effective, but the broad reach of the rule and some lingering interpretive issues have made it difficult for firms to operationalize the rule's requirements, say members of Promontory Financial Group LLC. [Read more »](#)

Is The Attempt To Rescind DACA Lawful?

A D.C. federal court recently invalidated the Trump administration's effort to end the Deferred Action for Childhood Arrivals program, highlighting two important issues about the limits of judicial review over such policy changes, says Steven Gordon of Holland & Knight LLP. [Read more »](#)

How The House FAA Bill Champions Air Travelers' Rights

The U.S. House passed its version of the six-year budget reauthorization for the Federal Aviation Administration last month. In a surprising change from Congress' usual tilt toward the interests of the aviation industry, the bill features a number of provisions that address many of the long-smoldering — and vociferously expressed — concerns of the flying public, says Barbara Lichman of Buchalter PC. [Read more »](#)

FERC Aims For Market Transparency With Uplift Reports

Last month, the Federal Energy Regulatory Commission issued a final rule requiring

regional transmission organizations and independent system operators to publicly report information regarding uplift payments. Attorneys at Reed Smith LLP unpack the revised reporting obligations. [Read more »](#)

Gender Pay Data: Impact Of European Laws In The US

Although American and European equal pay laws often develop on parallel tracks, the U.S. has not kept pace with the EU in terms of pay transparency. However, new European laws may have the unintended consequence of pushing multinationals with U.S. employees to publish pay data to keep up with their European counterparts, say Lynne Bernabei and Kristen Sinisi of Bernabei & Kabat PLLC. [Read more »](#)

LEGAL INDUSTRY

Titan Of The Plaintiffs Bar: Lieff Cabraser's Elizabeth Cabraser

As sole lead counsel in multidistrict litigation over Volkswagen AG's emissions scandal, Lieff Cabraser Heimann & Bernstein LLP's Elizabeth Cabraser helped drivers secure settlements totaling more than \$15 billion and assurances that the polluting vehicles would be taken off the roads, earning her a spot on Law360's 2018 Titans of the Plaintiffs Bar. [Read more »](#)

Feature

3 Ways Firms Can Improve Summer Associate Programs

As millennials continue to enter the legal profession with different values, career goals and cultural expectations than their predecessors, firms have an urgent opportunity to retool their summer associate programs to make a more compelling first impression. [Read more »](#)

How They Won It Ex-BigLaw Atty Who Shot Wife Couldn't Escape Paper Trail

Fulton County, Georgia, prosecutors trying to prove that a former Fisher Phillips LLP partner's shooting of his wife was no accident flooded the jury with painstaking detail from both eyewitnesses and the wealthy couple's paper trail to establish that he had a financial motive to kill his wife, securing a murder conviction. [Read more »](#)

ABA Data Shows 15% Rise In Attorneys Over Last Decade

The American Bar Association on Friday released survey data on the nationwide population of lawyers indicating a 10-year trend of moderate year-to-year increases since 2008 that amount to a 15.2 percent increase over the last decade. [Read more »](#)

Feature

GC Cheat Sheet: The Hottest Corporate News Of The Week

Questions remain around who will permanently replace Eric Schneiderman as New York attorney general after he resigned in the wake of a news article detailing allegations of physical abuse by four women, new data show female in-house counsel earn 84 percent of what their male counterparts make on average, and Fox News hired a new general counsel amid a series of lawsuits alleging the network mistreated women and minority workers. These are some of the stories in corporate legal news you may have missed in the past week. [Read more »](#)

Podcast

Law360's Pro Say: Don't Lie About Paying Expert Witnesses

On the latest episode of Law360's Pro Say podcast, we discuss the ethical boundaries of handling expert witnesses; New York Attorney General Eric Schneiderman stepping down after abuse allegations; Jay-Z being ordered to give testimony to the Securities and Exchange Commission; and Dr. Dre attempting to block a

medical doctor from registering a trademark for his similar-sounding name. [Read more »](#)

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more »](#)

JOBS

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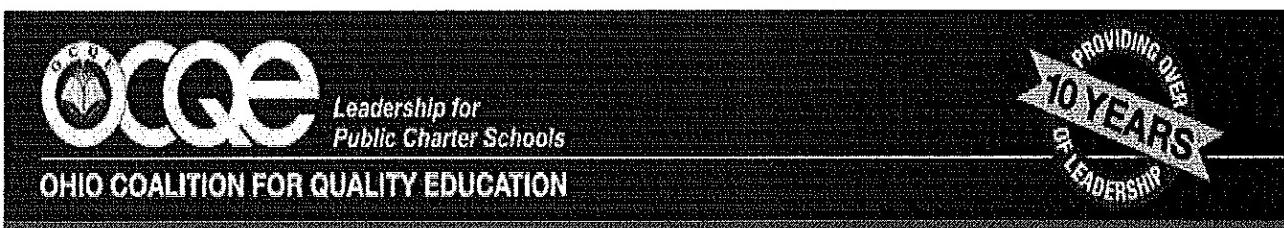
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From: Ohio Coalition for Quality Education
Sent: Thursday, May 17, 2018 6:05 AM
To: Rep48
Subject: Sandusky's only charter school moves to newly renovated building

Having trouble viewing this email? [Click here](#)



The header features the OCQE logo (Ohio Coalition for Quality Education) with the tagline "Leadership for Public Charter Schools". To the right is a banner with the text "10 YEARS PROVIDING OVER 100 LEADERSHIP".

Register

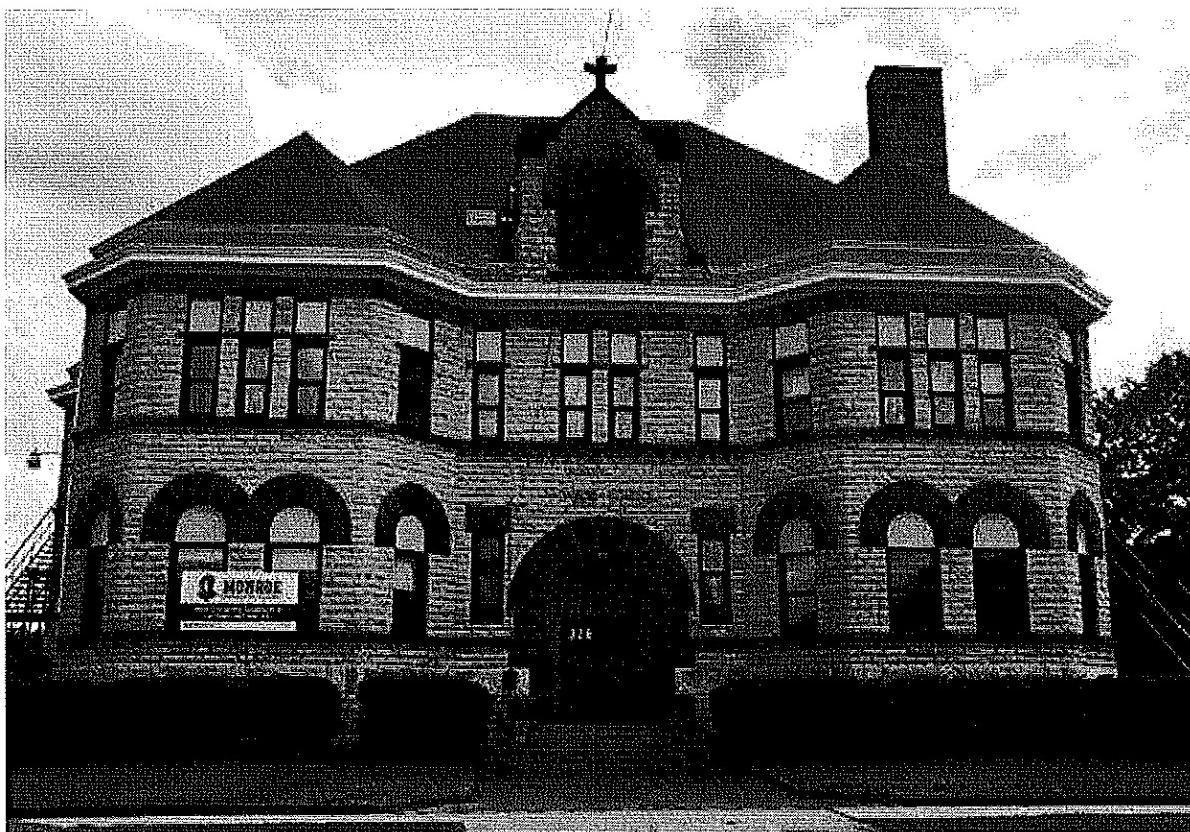
Monroe Preparatory Academy moved into newly renovated building

May 13, 2018

Because Sandusky City Schools have struggled for years, the state allows charter schools to operate in districts like Sandusky to offer families a better educational option for their children.

On May 1st, Monroe Preparatory Academy, a public charter school moved to the newly renovated school located at 328 E. Monroe Street. The

building underwent extensive renovations, ranging from roof repair, new flooring, a paint job, new boiler and more.



The newly renovated school has a beautiful gymnasium. Monroe offers assemblies for honor and merit roll students, schedules family events and provides community meals.

Monroe Preparatory Academy is managed by ACCEL Schools, which operates over 40 charter schools nationwide - educating more than 11,500 students.



Erik Thorson, Ph.D., Monroe Preparatory Academy's administrator said, "Since so many of our students come to us who are 'below their grade level' we have an accelerated academic program providing them with individualized attention. Children have access to a Chromebook for their schoolwork and we offer tutoring in reading from January to April. All of our teachers are rated, 'highly qualified'.

Next year, Monroe Preparatory Academy plans to add a sixth-grade class. Eventually, growing to seventh and eighth grade classes.

A parent's testimony

Valerie Smith spoke about why she enrolled her child in Monroe Preparatory Academy. "I became concerned about the Sandusky City Schools when my 9-year-old daughter fell behind in her reading skills."

Since enrolling at Monroe Preparatory Academy, Ms. Smith said, "My daughter has received lots of extra tutoring in reading. Monroe teachers stayed after school to help improve her reading ability. They gave my daughter the help and ego boost that she needed. Her reading skills have improved greatly."



Dr. Chad Carr, ACCEL Schools Executive V.P. is very proud of Monroe Preparatory Academy. "They have a great leader and teachers - and simply have a stronger academic focus than the Sandusky City Schools. Monroe students will benefit from our outstanding education program."

Monroe Preparatory Academy's sponsor is Charter School Specialists.

May 17, 2018



Ohio Coalition for Quality Education, 1808 Sulky Trail, Miamisburg, OH 45342

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Sent: Friday, May 18, 2018 4:38 AM
To: Rep48
Subject: Senate Nearing Point Of No Return On Judicial Confirmations



Friday, May 18, 2018



TOP NEWS

Analysis

Senate Nearing Point Of No Return On Judicial Confirmations

President Donald Trump kept up the momentum this week in his push to reshape the federal courts by getting his 21st circuit court judge confirmed through a sharply divided Senate, but the effort to leave his stamp on the judiciary may permanently alter how the chamber confirms judges — and how quickly. [Read more »](#)

Analysis

FDA Shames Anti-Generic Tactics, Putting Onus On Congress

The U.S. Food and Drug Administration on Thursday named and shamed drugmakers suspected of impeding lower-cost generics by withholding product samples, a splashy move that could jolt Congress into taking action. [Read more »](#)

EU Will Implement Tariffs On \$3B In US Goods

The European Union on Wednesday announced it will implement tariffs on more than \$3 billion of U.S. goods to retaliate against the Trump administration's recently

[Listen to our new podcast here](#)

LAW FIRMS

Akerman

Akin Gump

Baker McKenzie

BakerHostetler

Beck Redden

Bryan Cave

Constangy Brooks

Cotchett Pitre

Cozen O'Connor

Cultural Heritage Partners, PLLC

Davis Wright Tremaine

Duane Morris

enacted tariffs on imports of steel and aluminum. Read more »

EPA Floats Rollback Of Obama-Era Chemical Safety Regs

The U.S. Environmental Protection Agency on Thursday proposed rollbacks of several key provisions of an Obama-era chemical risk management rule as it fights a legal battle with environmental groups and a steelworkers' union over a delay of the rule to mull reconsideration bids from industry groups and several states. Read more »

Senate OKs 1st Female CIA Chief Despite Torture Concerns

President Donald Trump's choice to lead the CIA, Gina Haspel, cleared the Senate on Thursday despite opposition from a number of Democrats and Republicans over her record at the agency, including her oversight of so-called black sites and torture of terror suspects. Read more »

BANKING & SECURITIES

Calif., NY, Ore. Push On In Fiduciary Rule Case

The attorneys general of California, New York and Oregon showed on Wednesday that they aren't ready to give up the fight to save the U.S. Department of Labor's fiduciary rule, asking the full Fifth Circuit for permission to intervene in the case after a three-judge panel wouldn't let them. Read more »

ENERGY & ENVIRONMENTAL

FERC Tees Up Review Of Public Utility Regulatory Policies

The chairman of the Federal Energy Regulatory Commission announced Thursday that the commission will review its longstanding policies under the four-decade-old Public Utility Regulatory Policies Act, which

Durie Tangri
Faegre Baker
Fisher Phillips
Fleming Ruvoldt
Gibbons PC
Gibson Dunn
Herrick Feinstein
Husch Blackwell
Hutchinson Black
Irell & Manella
Jones Day
Kirkland & Ellis
Lanier Law Firm
McDermott Will
McGuireWoods
McKool Smith
Morrison & Foerster
Munger Tolles
Norton Rose Fulbright
Paul Weiss
Perkins Coie
Procopio Cory
Quinn Emanuel
Reed Smith
Ropes & Gray
Schlossberg LLC
Squire Patton Boggs
Stoel Rives
Vinson & Elkins
Wiley Rein
WilmerHale

COMPANIES

AARP Inc.
AT&T Inc.
Achmea BV
Airbnb Inc.
Amazon.com Inc.
American Bar Association

directs utilities to buy electricity from small-scale producers. [Read more »](#)

Immigration Standoff Threatens Farm Bill Passage In House

Congress' long-simmering immigration debate boiled over Thursday, potentially upsetting the five-year reauthorization of many farm and food stamp programs in the House as conservative members threatened to vote down the legislation. [Read more »](#)

Minn. Legislature Passes Bill To Greenlight Pipeline Project

The Minnesota House of Representatives on Thursday passed an amended piece of legislation that authorizes the company behind a pipeline replacement project to go ahead with construction, according to legislative records. [Read more »](#)

MEDIA & ENTERTAINMENT

NCAA May Change Gambling-Related Rules

The National Collegiate Athletic Association on Thursday said it is suspending its ban on championship games in states that allow sports betting and that it may consider permanent rule changes in response to the U.S. Supreme Court's Monday sports gambling ruling. [Read more »](#)

Conservative Blogger Defeats Fees But Not Ethics Fine Suit

A Texas appellate court on Thursday held that a conservative activist and blogger who was fighting a \$10,000 fine from the Texas Ethics Commission for failing to register as a lobbyist cannot use a state free speech law to dismiss his own administrative appeal of the fine. [Read more »](#)

REAL ESTATE

American Council of Life Insurers

American Gaming Association

Apollo Global Management LLC

Apple Inc.

Association for Accessible Medicines

Charter Communications Inc.

Comcast Corporation

DePuy Synthes Cos.

Emerson Electric Co.

Enbridge

Facebook

Google Inc.

HomeAway Inc.

International Centre for Settlement of Investment Disputes

Intuit Inc.

Johnson & Johnson

LM Ericsson Telephone Company

Major Lindsey & Africa

Marathon Petroleum Corp.

Mylan NV

National Collegiate Athletic Association

National Congress of American Indians

National Federation of Independent Business

National Immigration Law Center

National Right to Work Legal Defense Foundation

National Telephone Cooperative Association

Netflix Inc.

New York Immigration Coalition

Nickelodeon Global Network Ventures Inc.

Pacific Legal Foundation

RLJ Lodging Trust

Remington Arms Co. LLC

Plans For \$4B Miami Mega-Mall Advance With Key Approvals

Plans for the massive American Dream Miami entertainment-retail complex passed key mileposts Thursday as the Miami-Dade County Commission approved land use and zoning applications and a development agreement needed for the \$4 billion project to move forward. [Read more »](#)

Santa Monica Urges 9th Circ. To OK Home-Share Ordinance

Santa Monica, California, slammed Airbnb and HomeAway's bid to nix a city ordinance requiring residents who use the home-sharing websites for short-term rentals to obtain licenses, telling the Ninth Circuit on Wednesday that the companies' argument that the Communications Decency Act preempts the ordinance is flawed. [Read more »](#)

EMPLOYMENT

Premium Hike May Help Save Multiemployer Funds' Safety Net

The director of a government-run insurance fund that pays workers' retirement benefits when their employers' pension funds tank told a group of lawmakers on Thursday that multiemployer plans will need to start paying about five times more in premiums to save the fund from insolvency. [Read more »](#)

Workers Ask Justices To Stop Calif. Union Mediation Scheme

Eight workers for a fruit grower asked the U.S. Supreme Court Wednesday to take up their employer's challenge to a California Supreme Court ruling upholding a state mechanism that sends union-represented farmworkers and farms to mediation if they can't reach a deal, saying it's forcing them to work under a contract they don't want. [Read more »](#)

CONSUMER PROTECTION

Sierra Club

Sinclair Broadcast Group, Inc.

Staples Inc.

Starbucks Corporation

State Bar of California

The City University of New York

The Walt Disney Co.

Tribune Media Co.

TripleFive Group of Companies

Twilio Inc.

Twitter Inc.

U.S. Chamber of Commerce

United Farm Workers

United Nations Commission on International Trade Law

United States Telecom Association

United Steelworkers

Wal-Mart Stores Inc.

Walt Disney Parks & Resorts

Worldwide Inc.

Washington Post Co.

Xerox Corporation

Yelp Inc.

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services

California Natural Resources Agency

Centers for Medicare & Medicaid Services

Central Intelligence Agency

Consumer Financial Protection Bureau

Equal Employment Opportunity Commission

European Union

Executive Office of the President

Federal Communications Commission

Bid To Undo CFPB's Payday Lending Rule Via CRA Fizzles

Consumer advocates claimed victory on Thursday after lawmakers appeared to run out of time for passing a Congressional Review Act resolution to roll back Consumer Financial Protection Bureau restrictions on short-term, high-interest lenders. [Read more »](#)

INTERNATIONAL TRADE

US May Revoke Thailand Tariff Cuts Following Pork Complaint

Thailand's alleged failure to let U.S. pork producers access its market could cost it a spot on the newly reauthorized U.S. Generalized System of Preferences program, which slashes duties on imports from developing nations, the U.S. trade representative's office said Thursday. [Read more »](#)

Netherlands Outlines New EU Investment Pact

The Netherlands has restructured its investment arbitration system in a draft version of its bilateral investment treaty with Slovakia, following a groundbreaking decision issued earlier in March by Europe's top court that found the old investor-state dispute resolution mechanism under the treaty to be incompatible with EU law. [Read more »](#)

TAX

Seattle Approves Head-Tax Bill Blasted By Amazon, Starbucks

Seattle's Democratic Mayor Jenny Durkan said she signed a bill imposing an annual \$275-per-employee tax on companies making more than \$20 million a year despite strong opposition from hometown corporate giants Amazon and Starbucks. [Read more »](#)

IMMIGRATION

Federal Election Commission

Federal Energy Regulatory Commission

Federal Housing Administration

Federal Trade Commission

Food and Drug Administration

Internal Revenue Service

Leech Lake Band of Ojibwe

New Jersey Attorney General's Office

New York Attorney General's Office

New York State Unified Court System

Pennsylvania Department of Health

Pension Benefit Guaranty Corp.

Permanent Court of Arbitration

Texas Ethics Commission

U.S. Customs and Border Protection

U.S. Department of Agriculture

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Environmental Protection Agency

U.S. House Committee on Energy and Commerce

U.S. Immigration and Customs Enforcement

U.S. Senate Committee on Indian Affairs

U.S. Supreme Court

World Bank Group

World Trade Organization

Trump Says 'Animals' Remark Only Meant Gang Members

President Donald Trump on Thursday tried to reframe comments he made Wednesday that referred to some immigrants as "animals," saying he really meant to use the dehumanizing term only for members of gangs, not for immigrants in general. [Read more »](#)

Lawmakers Urge DHS To Keep H-4 Work Authorization

A bipartisan group of 130 lawmakers urged the U.S. Department of Homeland Security to keep in place an Obama-era rule that allows spouses of H-1B visa holders to work in the U.S., following the Trump administration's announcement that it would rescind their work authorization in June. [Read more »](#)

ICE, CBP Hit With Suit Over Docs On 'Matador' Initiative

An immigrant advocacy group accused U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection in New York federal court Wednesday of refusing to hand over records relating to an anti-gang initiative known as "Operation Matador," which the group says is a pretext to target and detain immigrant youth of color. [Read more »](#)

NATIVE AMERICAN

Senate Panel OKs Bill To Boost Indian Country In Farm Bill

The U.S. Senate Committee on Indian Affairs has pushed through a bipartisan piece of legislation meant to authorize greater tribal self-governance, agricultural production and more rural development opportunities and agribusiness for Native American communities, ranchers and farmers. [Read more »](#)

NJ Says History Shows It Never Formally Recognized Tribe

New Jersey's attorney general on Wednesday told a federal judge that a push by the

Nanticoke Lenni-Lenape Tribal Nation for an early win on its allegations that the state improperly refused to recognize the tribe should fail, saying history proved its view of the tribe was consistent. [Read more »](#)

TELECOMMUNICATIONS

Feature

Debunking 5 Myths Surrounding The Net Neutrality CRA

Senate Democrats celebrated a breakthrough Wednesday when they won passage of a resolution to preserve Obama-era net neutrality rules, but the move also prompted questions about the measure's endgame and perpetuated common myths. Here, Law360 debunks five misconceptions surrounding Wednesday's Senate vote and the current status of net neutrality. [Read more »](#)

Leahy Rips Pai On Net Neutrality, Rural Broadband Coverage

Sen. Patrick Leahy, D-Vt., tore into FCC chair Ajit Pai Thursday during a subcommittee budget hearing, criticizing his policies and allegedly contemptuous tone while asking him, unsuccessfully, to quantify how much scrapping net neutrality might spur broadband deployment in rural areas. [Read more »](#)

FCC's June Meeting Will Address Broadband Subsidy Program

At its upcoming open commission meeting, the Federal Communications Commission is expected to vote on whether certain rural broadband providers should be eligible for a break on their contributions to the Universal Service Fund, the agency said Thursday. [Read more »](#)

WHITE COLLAR

Ariz. Men Charged With \$23M PAC Donation Scheme

The U.S. Department of Justice unsealed a criminal complaint Thursday in Manhattan federal court, charging two Arizona men with fraud and money laundering for allegedly using nine fake political action committees to raise more than \$23 million from unsuspecting donors. Read more [½ B](#)

PEOPLE

Ex-US Sen. Evan Bayh Lands Cozen O'Connor Lobbying Gig

The former U.S. senator and governor from Indiana once a stone's throw away from serving as President Barack Obama's vice president has joined Cozen O'Connor as of counsel, where he will serve as senior adviser for its lobbying wing. Read more »

Q&A

Q&A

A Chat With Perkins Practice Management Chief Toby Brown

In this monthly series, legal recruiting experts at Major Lindsey & Africa interview management from top law firms about navigating an increasingly competitive business environment. Here we feature Toby Brown, chief practice management officer at Perkins Coie LLP. Read more »

EXPERT ANALYSIS

A Look Inside Trump's 4-Point Plan For Curbing Drug Prices

President Donald Trump recently outlined his administration's plan for lowering prescription drug prices. Tom Bulleit and Kirsten Mayer of Ropes & Gray LLP break down the key proposals and assess the likely paths forward. Read more »

California May Pass Its Own GDPR

If approved by voters in November, the California Consumer Privacy Act would impose

a sweeping privacy regime like the EU's General Data Protection Regulation. The act covers virtually all information a business has about a consumer, expanding far beyond traditional notions of personal information, say Purvi Patel and Alexandra Laks of Morrison & Foerster LLP. [Read more »](#)

Reducing Retirement Saving Barriers For Gig Workers

Workers in the gig economy are currently not entitled to enjoy a traditional employer-based retirement plan because such plans are subject to stringent rules and only permitted to cover employees, not independent contractors. However, Congress is attempting to address this issue via the recently reintroduced Retirement Enhancement and Savings Act, says Brett Owens of Fisher Phillips. [Read more »](#)

Key Issues States Face In The Wake Of Sports Bet Ruling

While the U.S. Supreme Court's decision this week removing the federal ban on sports betting may appear straightforward, the path toward regulating sports betting across the United States may be anything but simple, say attorneys with Bryan Cave Leighton Paisner LLP. [Read more »](#)

New Medical Marijuana Challenges For Pa. Employers

As access to medical marijuana in Pennsylvania continues to grow — to date, 22 dispensaries have opened throughout the state — employers face fresh concerns about the impact of legalization on their operations as well as their obligations under the law, say John McDonald and Melissa Ferrara of Reed Smith LLP. [Read more »](#)

LEGAL INDUSTRY

Titan Of The Plaintiffs Bar: The Lanier Law Firm's Mark Lanier

Winning a \$247 million jury verdict in a bellwether trial against Johnson & Johnson over allegedly faulty hip implants was just one of the major victories Mark Lanier of The Lanier Law Firm tallied last year, earning him a spot on Law360's 2018 Titans of the Plaintiffs Bar. [Read more »](#)

NYC Atty Threatening To Call ICE Faces Complaint From Pols

The man who was filmed screaming at employees of a New York City restaurant for speaking Spanish, then later identified as a complex commercial and insurance coverage attorney, is facing a formal complaint filed in the state court system's Departmental Disciplinary Committee. [Read more »](#)

Female Law Profs To Get \$2.7M In EEOC Unfair Pay Suit

The U.S. Equal Employment Opportunity Commission won a Colorado federal judge's approval Thursday for a deal requiring the University of Denver's Sturm College of Law to pay nearly \$2.7 million to end a suit alleging it paid female law professors less than their male counterparts. [Read more »](#)

Calif. Bar Warns Attys Of Fee Phishing Scam

The State Bar of California sent out an alert Thursday warning attorneys licensed in the state to be aware of a phishing scam coming in the form of suspicious emails claiming that their fee payments to the bar are overdue. [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

Gibson Dunn is this week's top legal lion, securing a decision from the U.S. Supreme Court striking down a federal law that prohibited states from legalizing sports betting, while Baker McKenzie ended up on the legal lambs list after a federal judge dismissed a \$7

billion lawsuit its client, Facebook, had filed against the IRS. Read more »

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From: Public Policy Law360
Sent: Wednesday, May 23, 2018 5:12 AM
To: Rep48
Subject: Gorsuch, Ginsburg Go To Mat Again In Class Waiver Case



Wednesday, May 23, 2018



TOP NEWS

Feature

Gorsuch, Ginsburg Go To Mat Again In Class Waiver Case

U.S. Supreme Court Justice Neil Gorsuch has once again delivered a 5-4 majority opinion over a vigorous dissent from his liberal colleague Justice Ruth Bader Ginsburg, this time clashing in a high-profile dispute over arbitration clauses protecting businesses from worker class actions. [Read more »](#)

Analysis

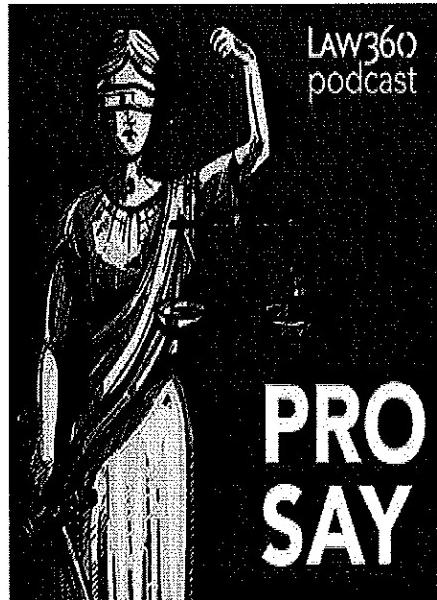
3 Reasons The Epic Systems Ruling Won't Sink #MeToo

Although the U.S. Supreme Court's blockbuster Epic Systems ruling that gave businesses a green light to use employment contracts to bar workers from bringing class actions will have a far-reaching impact on employment law, attorneys say it won't significantly reduce the volume of sexual harassment cases that arise as part of the #MeToo movement. [Read more »](#)

Analysis

City-Industry Rifts Mire FCC Panel's Bid To Grease 5G

When FCC chairman Ajit Pai announced a new task force last year, he optimistically billed it as a way to break down local regulatory hurdles



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slowing the rollout of new 5G technology. But a year and half after its formation, the panel is facing many roadblocks of its own. Read more »

Analysis

Construction Industry Anxious For Water Rule Saga To Dry Up

The construction industry spends huge amounts of time and money on all kinds of permits to complete a project, and few pose bigger headaches than those triggered when the federal government determines that a project affects water bodies protected by the Clean Water Act ? 4 making the Trump administration's attempt to clear up the issue a top concern. Read more »

UPS Loses Challenge Of Postal Shipping Costs Rule

UPS can't unwind new federal rules on consumer shipping costs after the D.C. Circuit found Tuesday that the Postal Regulatory Commission hadn't overstepped its bounds in excluding some of the U.S. Postal Service's costs from its math. Read more »

BANKING & SECURITIES

House Sends Dodd-Frank Banking Rule Rollback To Trump

The U.S. House of Representatives on Tuesday passed a major rollback of Dodd-Frank rules, sending a package of financial industry changes that backers say cut costly and burdensome regulations to President Donald Trump, who has indicated his support for the measure. Read more »

ENERGY & ENVIRONMENTAL

5th Circ. Tosses Houston Residents' Suit Over Flooding

A group of Houston residents can't revive claims that a city tax reinvestment zone led to street and drainage projects in their area that

Bryan Cave

Cleary Gottlieb

Cravath Swaine

Duane Morris

Eagan Avenatti

Fair Work PC

Fish & Richardson

Gibson Dunn

Harman Claytor

Harris Wiltshire

Hawke McKeon

Hogan Lovells

Holland & Knight

Javerbaum Wurgaff

King & Spalding

Kirkland & Ellis

Morgan Lewis

Morris Nichols

Morrison & Foerster

Native American Rights Fund

Norton Rose Fulbright

Pachulski Stang

Perkins Coie

Phillips Lytle

Potter Anderson

Proskauer Rose

Quinn Emanuel

Reed Smith

Rosette LLP

Sanford Heisler

Schiff Hardin

Schwartz Perry & Heller

Skadden

Squire Patton Boggs

SulmeyerKupetz

Taft Stettinius

Venable LLP

WilmerHale

caused their homes to flood during periods of heavy rainfall, the Fifth Circuit held Tuesday. [Read more »](#)

Minn. Gov. Vetoes Bill To Greenlight Pipeline Project

Minnesota Democratic-Farmer-Labor Party Gov. Mark Dayton has refused to sign a bill that would authorize the company behind a pipeline replacement project to go ahead with construction across the northern part of the state, saying the legislation would nullify a process to see if the project is necessary for the state. [Read more »](#)

Water Infrastructure Bill Sails Through Senate Panel

The Senate Committee on Environment and Public Works on Tuesday unanimously passed a bipartisan water infrastructure bill that is meant, among other things, to slash red tape, boost state and local input on projects, increase water storage, deepen key ports and extend funding for Native American irrigation initiatives. [Read more »](#)

HEALTH & LIFE SCIENCES

Researchers Can't Sell Medical Marijuana, Pa. Judge Says

Temporary regulations allowing medical marijuana researchers to produce and sell products were preliminarily blocked Tuesday by a Pennsylvania judge, who sided with a group of growers and distributors in saying the state's Medical Marijuana Act did not appear to intend for research facilities to engage in commercial distribution. [Read more »](#)

9th Circ. Urged To Keep ACA Birth Control Rules Blocked

The states of California, Delaware, Maryland, New York and Virginia told the Ninth Circuit on Monday that a California federal judge was right to block Trump administration rules letting employers forgo covering birth control under

COMPANIES

AARP Inc.
AT&T Inc.
Amazon.com Inc.
American Cancer Society Inc.
American Civil Liberties Union
American Council of Life Insurers
American Federation of Labor and Congress of Industrial Organizations
American Legislative Exchange Council
American Road & Transportation Builders Association
American Trucking Associations Inc.
CardioNet, Inc.
Carlyle Group LP
Cato Institute
DISH Network Corporation
Enbridge
Epic Systems Corp.
Google Inc.
Lockheed Martin
Lyft Inc.
Microsoft Corporation
National Association of Home Builders
National Association of Realtors
Northrop Grumman Corporation
Prime Inc.
R-T Specialty LLC
Sinclair Broadcast Group, Inc.
Textron Inc.
The Boeing Company
Tribune Media Co.
Twitter Inc.
U.S. Chamber of Commerce
Uber Technologies Inc.

the Affordable Care Act by claiming moral or religious opposition to its use. [Read more »](#)

House Sends 'Right To Try' Treatments Bill To Trump

The House of Representatives sent a bill to President Donald Trump on Tuesday that would greatly increase the "right to try" experimental treatments under current U.S. Food and Drug Administration rules, which backers claim would help bring hope to otherwise terminally ill patients. [Read more »](#)

IP & TECHNOLOGY

House Bill Would Extend USPTO's Fee-Setting Power

Two members of the U.S. House of Representatives introduced legislation Tuesday that would allow the U.S. Patent and Trademark Office to retain its fee-setting authority, which is set to expire in September, mirroring a bill introduced in the Senate in March. [Read more »](#)

Iancu Defends AIA Claim Construction Plan To Congress

U.S. Patent and Trademark Office Director Andrei Iancu said at a House Judiciary Committee hearing Tuesday that a planned change to the claim construction standard for America Invents Act reviews will increase consistency and efficiency, defending the move to lawmakers who expressed concern about it. [Read more »](#)

EMPLOYMENT

5th Circ. Axes States' Bid To Revive DOL Fiduciary Rule Suit

The Fifth Circuit on Tuesday deflated workers' advocates' hopes that a trio of states could rally to save the U.S. Department of Labor's fiduciary rule, with the court striking down an attempt by the California, Oregon and New

United Parcel Service Inc.
United Technologies Corporation
Verizon Communications
Villanova University
ZTE Corp.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Citizenship and Immigration Services
Bureau of Indian Affairs
Bureau of Reclamation
Department of Commerce
Eastern Shoshone Tribe
Employee Benefits Security Administration
Equal Employment Opportunity Commission
European Commission
European Union
Federal Communications Commission
Federal Reserve System
Federal Trade Commission
Food and Drug Administration
Internal Revenue Service
Leech Lake Band of Ojibwe
NAFTA
National Labor Relations Board
New Jersey Legislature
New York Attorney General's Office
Northern Arapaho Tribe
Omaha Tribe of Nebraska
Pennsylvania Department of Health
Postal Regulatory Commission
Securities and Exchange Commission
U.S. Army

York attorneys general to revive litigation over the retirement-savings rule. Read more »

Groups Back Trucking Co.'s High Court Arbitration Bid

A trucking industry lobbying group, a D.C. think tank and a Boston public-interest law firm urged the U.S. Supreme Court on Monday to compel arbitration in a class action accusing New Prime Inc. of failing to pay independent contractor truck-driver apprentices a proper minimum wage. Read more »

Contractor Registration Bill Passes NJ Labor Committee

A New Jersey bill aimed at expanding when public works contractors must register with the state under the Public Works Contractor Registration Act has passed the New Jersey Senate Labor Committee, Democratic lawmakers said Tuesday. Read more »

COMPETITION

FCC Opens Comment Period On Sinclair-Tribune Merger

The Federal Communications Commission has announced it is moving forward with a public comment period on Sinclair Broadcast Group Inc.'s \$3.9 billion proposed acquisition of Tribune Media Co., setting the stage for the next phase of the controversial merger. Read more »

AEROSPACE & DEFENSE

Defense Industrial Base Faces Significant Risks, DOD Says

The defense industrial base faces a number of challenges that threaten its health, including skill loss, fluctuating demand and dependency on foreign sources, although the impact varies by industry sector, according to a U.S. Department of Defense report made public Monday. Read more »

U.S. Attorney's Office

U.S. Census Bureau

U.S. Customs and Border Protection

U.S. Department of Defense

U.S. Department of Health and Human Services

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. House Committee on Energy and Commerce

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Patent and Trademark Office

U.S. Postal Service

U.S. Senate

U.S. Supreme Court

United Nations

Wage and Hour Division

Wyoming Attorney General's Office

INTERNATIONAL TRADE

Europe Eyeing Asia-Pacific Inroads Amid US Standstill

European Union leaders gave the bloc the green light to pursue new trade deals with Australia and New Zealand on Tuesday and stressed the importance of linking up with the two powerful members of the Trans-Pacific Partnership, the Obama-era trade deal that the Trump administration has left in the dust. [Read more »](#)

TAX

IT Spending Plan To Be Ready Within 90 Days, Treasury Says

The U.S. Department of the Treasury will provide a five-year plan to lawmakers within 90 days that will outline the department's plan to invest in information technology upgrades, Treasury Secretary Steve Mnuchin said Tuesday. [Read more »](#)

IMMIGRATION

Ala. Sues Over Census Counting Unauthorized Immigrants

The state of Alabama sued the Commerce Department and the Census Bureau on Monday over the federal government's policy of including immigrants unauthorized to be in the United States as part of census tallies, alleging that the policy violates the Constitution. [Read more »](#)

ICE Chief Pushes For Clamp Down On Border Crossings

U.S. Immigration and Customs Enforcement chief Thomas Homan urged Congress on Tuesday to adopt stricter enforcement policies to discourage unauthorized border crossings, echoing U.S. Attorney General Jeff Sessions' recent assertion of a "zero-tolerance" policy at the border. [Read more »](#)

NATIVE AMERICAN

Feds, Wyo. Urge Justices To Spurn Tribes' Land Suits

The federal government and the state of Wyoming have urged the U.S. Supreme Court to reject challenges to a Tenth Circuit ruling that the Eastern Shoshone and Northern Arapaho tribes' shared reservation was shrunk by a 1905 law, saying the case doesn't present a circuit split or conflict with high court precedent. [Read more »](#)

TELECOMMUNICATIONS

Poor Families Need 'Kid Vid' Programming Rules, Dems Say

A group of Democratic senators has urged the Federal Communications Commission to keep intact its rules governing children's educational programming, saying that low-income households still rely on the free, over-the-air "kid vid" content amid a proliferation of streaming services and other online video sources. [Read more »](#)

FCC Says Justices Need Not Review Spectrum Discount Row

The Federal Communications Commission has urged the U.S. Supreme Court to reject a certiorari petition from two telecom companies that claim they were wrongly denied spectrum license discounts, saying ongoing proceedings the companies themselves requested could render the case moot. [Read more »](#)

Sens. Whose IDs Used In Fake FCC Posts Tell Pai To Fix Site

Two senators, one from each party, have told Federal Communications Commission Chairman Ajit Pai to fix a public commenting system that has let bots produce millions of fraudulent comments under stolen identities — including the identities of the senators themselves. [Read more »](#)

CIVIL RIGHTS

Va. School Can't Shake Trans Student's Bathroom Bias Suit

A Virginia school board that created a policy aimed at keeping a transgender student from using restrooms that match his gender identity will have to face his discrimination claims that made it all the way to the U.S. Supreme Court and back, a federal judge ruled Tuesday. [Read more »](#)

EXPERT ANALYSIS

Shareholder Arbitration Issue Isn't Going Away

In a recent letter to a member of Congress, U.S. Securities and Exchange Commission Chairman Jay Clayton said that he hasn't decided whether mandatory arbitration of shareholder disputes is appropriate, and that exploring the idea is not a priority for him. However, I believe the issue is going to require commission action sooner rather than later, says Kevin LaCroix of RT ProExec. [Read more »](#)

Hidden Challenges In Applying New DOL Break Time Guidance

The U.S. Department of Labor recently released an opinion letter that says breaks taken as part of intermittent leave under the Family and Medical Leave Act do not need to be compensated. However, it contains a troublesome caveat that threatens to destroy any clarity the letter might otherwise bring to the analysis, says Kevin Johnson of Johnson Jackson LLC. [Read more »](#)

Health Tech Is The New Focus For Cybersecurity Policy

Over the last year, government reports, enforcement actions and new regulatory proposals have thrown health care technology into the limelight. While the Health Insurance Portability and Accountability Act is already

one of the country's most robust privacy and security laws, the government is seeking to fill some significant gaps in regulation, says Elliot Golding of Squire Patton Boggs. [Read more »](#)

LEGAL INDUSTRY

Analysis

Del. Faces IP Surge, Bench Gaps On TC Heartland's Birthday

One year after the U.S. Supreme Court's TC Heartland ruling steered hundreds of new patent cases to Delaware from Texas and other states, federal judges and attorneys are patently scrambling to manage the surge with fewer resident judges. [Read more »](#)

New England's Bernstein Shur Updates Parental Leave Policy

New England-based law firm Bernstein Shur Sawyer & Nelson PA said Tuesday it has implemented a new parental leave policy that allows 16 weeks of paid leave for attorneys regardless of their gender, making no distinction between primary and secondary caregivers. [Read more »](#)

King & Spalding Draws Rebuke In Bid To Toss Firing Suit

A New York federal judge on Tuesday rejected King & Spalding LLP's bid to escape allegations it fired an associate for raising ethical concerns about two partners, saying at a hearing she found it "incredibly hard" to buy the firm's stated reasons for terminating him. [Read more »](#)

Eagan Avenatti Owes Ex-Partner \$10M From Bankruptcy Deal

A California bankruptcy judge on Tuesday entered a \$10 million judgment against defunct class action law firm Eagan Avenatti LLP — which is owned by Michael Avenatti, the attorney representing adult film actress Stormy Daniels in her legal battle against President Donald Trump — finding the firm defaulted on

its bankruptcy-resolving settlement with a former partner over allegedly unpaid fees.
[Read more »](#)

NY Lawmakers Tap Interim AG Underwood To Finish Term

Acting New York Attorney General Barbara D. Underwood was tapped Tuesday by the state legislature to serve out the remainder of Eric Schneiderman's term after he resigned earlier this month amid allegations of physical abuse by four women. [Read more »](#)

Legal Tech Download: Reed Smith, Norton Rose, Bryan Cave

The world of legal technology is quickly evolving, with new products coming to market in rapid succession. Here, Law360 takes a look at six recent developments. [Read more »](#)

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From: Public Policy Law360
Sent: Thursday, May 24, 2018 5:08 AM
To: Rep48
Subject: DC Circ. Votes To Livestream Audio For Oral Arguments



Thursday, May 24, 2018



TOP NEWS

DC Circ. Votes To Livestream Audio For Oral Arguments

The judges on the D.C. Circuit have voted to begin streaming live audio in nearly all oral arguments after it started doing so on a case-by-case basis last fall, the powerful U.S. appeals court said Wednesday in a victory for judicial transparency supporters. [Read more »](#)

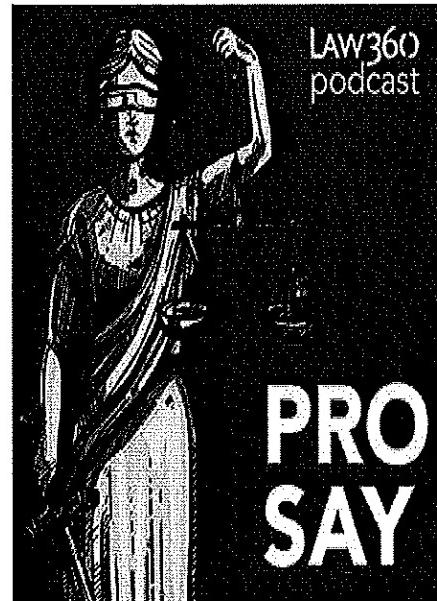
Trump's 11th Circ. Pick Sails Through Confirmation Hearing

President Donald Trump's choice for an Eleventh Circuit seat faced few questions in her Senate confirmation hearing Wednesday and no opposition from Republicans who control whether Georgia Supreme Court Justice Britt Grant's nomination advances. [Read more »](#)

Interview

Gilbane GC Monitoring Contracts Amid Steel Tariff Questions

New tariffs on steel from certain countries are creating uncertainty in the construction industry regarding which of various parties involved in contracts would bear the responsibility for increased costs should prices rise, and that's causing companies to closely examine their contracts, Gilbane Building Co. General



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Brownstein Hyatt
Cultural Heritage Partners, PLLC
DLA Piper
Davis Wright Tremaine
Epstein Becker Green
Fisher Phillips
Florio Perrucci

Counsel Brad Gordon told Law360 in a recent wide-ranging interview. Read more »

Senate To Hold Hearing On \$59B T-Mobile-Sprint Merger

Leaders of a Senate judiciary subcommittee on Wednesday said they have scheduled a hearing over the planned \$59 billion merger between T-Mobile US Inc. and Sprint Corp., pointing to the importance of the wireless market to consumers. Read more »

Biosimilars Imperiled By Big Drug Rebates, FDA Chief Warns

The fledgling industry of lower-cost biosimilars is increasingly imperiled by hefty rebates that are attached to higher-cost biologics in exchange for preferential insurance coverage, the U.S. Food and Drug Administration's leader said Wednesday. Read more »

OCC Encourages Banks To Get Into Small-Dollar Credit

The Office of the Comptroller of the Currency said Wednesday that it's now encouraging the banks it oversees to get into the business of making short-term, small-dollar loans to consumers, a \$90 billion market that the agency had previously steered banks away from. Read more »

FARA FALLOUT

Feature

Foreign Lobbyists Step Into Light After Manafort Downfall

"Ridiculous" is how Paul Manafort's attorney has described his client's charges under a loosely followed foreign lobbying law, but a Law360 analysis shows that throngs of Washington influencers are now emerging from the shadows to comply. Read more »

Feature

BigLaw Feels The Heat In FARA Enforcement Push

Frost Brown Todd
Garland Samuel
Greenberg Traurig
Harris Wiltshire
Hogan Lovells
Holland & Knight
Hunton Andrews Kurth
Husch Blackwell
Immigration Attorneys LLP
Jenner & Block
King & Spalding
Latham & Watkins
Locke Lord
Manatt Phelps
Marashlian & Donahue
Mayer Brown
Miller & Chevalier
Morgan Lewis
Munger Tolles
Nelson Mullins
Neustel Law
Nossaman LLP
Orrick Herrington
Outten & Golden
Pashman Stein
Paul Hastings
Ropes & Gray
Sandler Reiff
Scharf Banks
Skadden
Squire Patton Boggs
Steptoe & Johnson LLP
Stinson Leonard
Telecommunications Law Professionals
Tucker Ellis
Walder Hayden
Western Environmental Law Center

Behind the scenes, law firms are scrambling to stay in the government's good graces after the Foreign Agents Registration Act was used to indict President Donald Trump's former campaign chairman. [Read more »](#)

Feature

As Foreign Agent Disclosure Soars, Reform Efforts Bog Down

With the Foreign Agents Registration Act in the spotlight, some members of Congress are facing big challenges in their quest to add teeth to the law. [Read more »](#)

Akin Gump Partner To Testify At Manafort Trial

Attorneys for Special Counsel Robert Mueller confirmed Wednesday in D.C. district court that they intend to call Akin Gump Strauss Hauer & Feld LLP partner Melissa L. Laurenza to testify at the trial of former Trump campaign chairman Paul Manafort. [Read more »](#)

ENERGY & ENVIRONMENTAL

New Renewable Energy Standard Set For NJ Under Bill

New Jersey Gov. Phil Murphy on Wednesday signed legislation that would establish a new renewable energy standard and made several moves designed to cut down on greenhouse gas emissions in the state, including signing an executive order to reach 100 percent clean energy use by 2050. [Read more »](#)

EPA Has To Give Law Firm Only Some Sewage Policy Docs

A D.C. federal judge said the U.S. Environmental Protection Agency was largely right to withhold several documents a law firm requested under the Freedom of Information Act, ruling much of the information on the agency's policy of regulating certain sewage was exempt because it was deliberative. [Read more »](#)

Wiley Rein

Womble Bond Dickinson

COMPANIES

AT&T Inc.

America's Health Insurance Plans

American Bar Association

American Family Insurance

Arctic Slope Regional Corp.

Association for Accessible Medicines

Biotest AG

Bloomberg

Broadcom Ltd.

CDM Smith Inc.

CTIA

Cable News Network Inc.

Center for Biological Diversity Inc.

Church & Dwight Co Inc.

Citizens for Responsibility and Ethics in Washington

Colgate-Palmolive Co.

Consumer Federation of America

Deutsche Telekom AG

Epic Systems Corp.

Ernst & Young

Faculty Athletics Representatives Association

Gilbane Inc.

Google Inc.

HP Inc.

Hobby Lobby Stores

Home Box Office Inc.

Johnson & Johnson

Marsh & McLennan Companies Inc.

Microsoft Corporation

Murphy Oil Corporation

Murphy USA Inc.

National Restaurant Association

HEALTH & LIFE SCIENCES

FDA Wants Risky OTC Teething Treatments Pulled Off Market

The U.S. Food and Drug Administration on Wednesday said it told companies that sell certain over-the-counter infant teething products to take their treatments off the market or else face penalties, as an ingredient in those products can cause a life-threatening blood disorder in children and infants. [Read more »](#)

IP & TECHNOLOGY

New Pre-1972 Music Bill In Senate Splits From House

Sen. Ron Wyden, D-Ore., introduced a bill Wednesday that would create full federal copyright protection for so-called pre-1972 recordings, an alternative approach to the one taken by major music legislation that passed the House last month. [Read more »](#)

MEDIA & ENTERTAINMENT

Trump's Twitter Blocking Is Unconstitutional, NY Judge Rules

President Donald Trump's blocking of critics from his personal Twitter account is unconstitutional, a Manhattan federal judge ruled Wednesday, rejecting the U.S. Department of Justice's argument that the president's actions don't trample on anyone's First Amendment rights. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

Analysis

Drone Test Sites Give States Expanded Regulatory Role

The U.S. Department of Transportation's decision to grant 10 state- and local-backed projects special licenses to test different ways of flying unmanned aircraft systems in

New York Times Co.

Pfizer Inc.

PhRMA

Pharmaceutical Care Management Association

Prestige Brands Holdings, Inc.

QUALCOMM Incorporated

Reckitt Benckiser Group PLC

Recording Industry Association of America

Sierra Club

Sinclair Broadcast Group, Inc.

SoftBank Group Corp.

Spokeo Inc.

Spotify Technology SA

Sprint Nextel Corporation

State Farm

Syngenta AG

T-Mobile USA Inc.

Tax Foundation

Telecommunications Industry Association

The DIRECTV Group, Inc.

Tribune Media Co.

Turner Broadcasting System Inc.

Twitter Inc.

Verizon Communications

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services

Bureau of Land Management

California Supreme Court

Committee on Foreign Investment in the United States

Congressional Budget Office

Consumer Financial Protection Bureau

Defense Information Systems Agency

collaboration with private-sector partners gives those governments a larger-than-expected role in shaping the federal regulatory framework for drones, industry observers say. Read more »

House Panel Weighs Self-Driving Cars' Effect On Insurance

A U.S. House panel discussed Wednesday the ways the insurance industry will adapt to widespread acceptance of autonomous vehicles, considering questions about data access, liability and cybersecurity. Read more »

EMPLOYMENT

DOL Asks Justices To Nix 9th Circ. Decision On Tip Pool Rule

The U.S. Department of Labor urged the U.S. Supreme Court to erase an "incorrect" Ninth Circuit decision that upheld a 2011 DOL rule regulating when so-called tip pools can be instituted by employers, but stopped short of backing full-blown high court review, noting that the agency has already moved to roll back the Obama-era regulations at the heart of the dispute. Read more »

COMPETITION

Digital Markets Need Own Consumer Focus: Antitrust Chief

Assistant Attorney General Makan Delrahim, head of the U.S. Department of Justice's antitrust division, said Tuesday that the traditional consumer welfare standard, which places antitrust scrutiny on prices and products available to consumers, can be adapted to better enforce digital markets through an increased focus on innovation, choice and quality. Read more »

CYBERSECURITY & PRIVACY

Watchdog Gives NASA Cybersecurity Center A Failing Grade

Department of Commerce
European Commission
European Union
Executive Office of the President
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Energy Regulatory Commission
Food and Drug Administration
Georgia Supreme Court
Government Accountability Office
Internal Revenue Service
National Aeronautics and Space Administration
National Labor Relations Board
National Transportation Safety Board
Navajo Nation
New Jersey Legislature
New Jersey Supreme Court
Office of the Comptroller of the Currency
U.S. Department of Defense
U.S. Department of Energy
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of State
U.S. Department of Transportation
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Immigration and Customs Enforcement

NASA's cybersecurity "nerve center" is failing to properly address cyberthreats, an agency watchdog said in a report Wednesday, a day after the U.S. Government Accountability Office also criticized the agency for weaknesses in both its information technology management and cybersecurity programs.

[Read more »](#)

Gov't Auction Bidders Are Public Record, NJ Justices Rule

The New Jersey Supreme Court ruled Wednesday that the names and addresses of government property auction bidders are not shielded by the privacy protections of the state's public records law because the auctions themselves are public events, not private ones.

[Read more »](#)

AEROSPACE & DEFENSE

DOD Bars Mobile Devices From Secure Areas At Pentagon

The U.S. Department of Defense will block mobile devices from being brought into areas of the Pentagon that handle classified information, according to a new policy released Tuesday that stopped short of an outright ban, after a review prompted by concerns about devices potentially revealing sensitive information.

[Read more »](#)

White House Criticizes Parts Of \$717B Defense Bill

The White House has objected to several dozen clauses in the U.S. House of Representatives' proposed 2019 National Defense Authorization Act, such as moves to eliminate several U.S. Department of Defense offices, but stopped short of a veto threat on the \$717 billion bill as lawmakers continued debate Wednesday.

[Read more »](#)

INTERNATIONAL TRADE

U.S. Patent and Trademark Office
U.S. Supreme Court
World Trade Organization

Trump Eying New Security-Based Tariffs On Imported Cars

At the direction of President Donald Trump, the U.S. Department of Commerce late Wednesday launched an investigation that may result in new duties on imported cars using the same national security statute that cleared the way for the administration's steel and aluminum levies earlier this year. [Read more »](#)

WTO Boss Sees Sector-Specific Trade Talks Picking Up Steam

World Trade Organization director-general Roberto Azevedo said Monday that he has seen "real momentum" in the WTO's efforts to craft new rules on e-commerce and commercial fishing following its pivot from large-scale trade talks to sector-specific consultations. [Read more »](#)

TAX

Treasury To Weigh In On States' SALT Cap Workarounds

The U.S. Department of the Treasury signaled Wednesday that it may curb state governments' attempts to circumvent the new federal tax law's \$10,000 cap on state and local tax deductions. [Read more »](#)

TCJA Will Lead To Fewer IP Investments, Panelist Says

Last year's tax overhaul legislation will lead to fewer investments in intellectual property during the next 10 years, a former Obama administration economist told a tax conference Wednesday in Washington, D.C. [Read more »](#)

EU Digital Tax Not A 'Google Tax,' Commission Official Says

A top official at the European Commission emphasized Wednesday that the continent's efforts to tax large digital firms are intended not to punish individual companies but simply to

tax an activity that didn't exist when tax rules were written. [Read more »](#)

IMMIGRATION

Trump Threatens To Pull Foreign Aid Over Border Crossers

President Donald Trump told a law enforcement roundtable in suburban New York on Wednesday that his administration is considering cuts to foreign aid for countries that produce unauthorized border crossers. [Read more »](#)

Advertising Co. Sues Gov't Over CEO's L-1 Visa Denial

Federal immigration officials violated federal immigration and procedural law when they denied an L-1 visa extension application for the CEO of the U.S. affiliate of a Dubai-based advertising agency, the company alleged in Illinois federal court on Tuesday. [Read more »](#)

NATIVE AMERICAN

Sens. Float Bill To Protect NM Lands Sacred To Tribes

U.S. Sens. Tom Udall and Martin Heinrich, both New Mexico Democrats, proposed a bill Tuesday that would prevent energy leasing or development on federal land around Chaco Canyon, an area that is sacred to New Mexico pueblos and the Navajo Nation. [Read more »](#)

TELECOMMUNICATIONS

Feature

4 Things Keeping Telecom Attorneys Up At Night

From staggering megamergers to the rise of artificial intelligence, telecom attorneys have some pretty complicated legal matters on their minds heading into the second half of 2018. Here's a look at what's keeping some

communications experts up at night. Read more »

Industry Mixed Over FCC Fast-Lane Proposal For New Tech

Industry comments on the Federal Communications Commission's proposal to breathe life into a 35-year-old statutory requirement to quickly approve new spectrum-using technology have largely approved of the premise, but diverge on whether it needs substantial fixes, such as clarification of what "new" means. Read more »

EXPERT ANALYSIS

Searching For Strategies In The USPTO Berkheimer Memo

Now that the first articles on the U.S. Patent and Trademark Office's post-Berkheimer eligibility guidance have been digested, it is time to take a deeper look and derive or strengthen arguments for patentable subject matter eligibility during patent prosecution, says Christopher Hall of Womble Bond Dickinson LLP. Read more »

Business As Usual For Employers After Epic Systems Opinion

While the U.S. Supreme Court's decision Monday in *Epic Systems v. Lewis* is a decisive win for employers, it simply preserves the status quo in wage and hour litigation and reaffirms the ability of employers to avoid costly class actions by requiring employees to sign arbitration agreements containing class action waivers as a condition of employment, say Veronica Gray and Allison Callaghan of Nossaman LLP. Read more »

3 Ways FERC Could Increase Pipeline Review Transparency

The Federal Energy Regulatory Commission recently solicited public comments on whether to revise its policies governing approval of new natural gas pipelines. This may not ultimately

result in significant revisions to pipeline approval procedures. But a few simple changes could enhance public confidence in pipeline siting, says Barbara Jost of Davis Wright Tremaine LLP. [Read more »](#)

Trade Rep Hints At More CFIUS Scrutiny Of Biotech Deals

The Section 301 report issued in March by the United States Trade Representative highlighted foreign acquisitions and investments in the U.S. biotechnology industry. Counsel on both sides of a transaction in this sector should consider carefully whether involvement by foreign entities, especially from China, should be filed for review by CFIUS before closing, say Stephen Mahinka and Carl Valenstein of Morgan Lewis & Bockius LLP.

[Read more »](#)

Lessons From FDA Draft Guidance On Multifunctional Devices

Draft guidance issued last month provides insight into how the U.S. Food and Drug Administration conceives of its authority to regulate multiple function devices consistent with the 21st Century Cures Act. Companies should consider how to operationalize the FDA's approach when developing such devices, say Gregory Levine and Abram Barth of Ropes & Gray LLP. [Read more »](#)

LEGAL INDUSTRY

Ex-BigLaw Atty Who Shot Wife Sentenced To Life In Prison

A Georgia judge on Wednesday sentenced a former Fisher Phillips LLP partner who fatally shot his wife to life in prison, after an Atlanta jury rejected the attorney's contention that the shooting was an accident and convicted him of felony murder. [Read more »](#)

BigLaw Too Focused On Legal Fallout In #MeToo: ABA Panel

Too many BigLaw leaders are focused on sexual harassment in the workplace and the #MeToo movement as a legal risk rather than a solvable cultural problem, legal industry and employment experts said Wednesday. Read more »

Courtroom Cackles Get Farm Co. A Fed. Circ. Redo In IP Suit

While not as noisy as a barnyard, the chatter and laughter heard during attorney presentations led the Federal Circuit on Wednesday to grant a North Dakota farm equipment company a rehearing in its patent infringement case against a rival. Read more »

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From: Public Policy Law360
Sent: Wednesday, May 30, 2018 4:47 AM
To: Rep48
Subject: The Best Law Firms For Female Partners



Wednesday, May 30, 2018



GLASS CEILING

The Best Law Firms For Female Partners

Our latest Glass Ceiling Report shows that women remain underrepresented in the legal profession, particularly at the top levels of most — but not all — law firms. Here are this year's Ceiling Smashers, our annual ranking of the firms with the most women in the equity tier.
[Read more »](#)

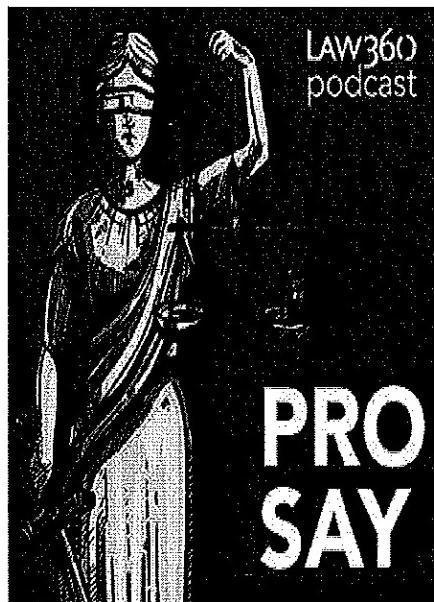
How Women Are Changing The Law Firms They Lead ■

Female law firm leaders have scraped their way to the top. Now they want to pull up other women, too. And this may be their toughest challenge yet. [Read more »](#)

Suits Show Conflict Even At BigLaw's Best Places For Women

Women have been gaining ground at Ogletree Deakins and Morrison & Foerster, but gender discrimination lawsuits against these firms and others suggest that expanding women's representation doesn't necessarily lead to equal treatment. [Read more »](#)

Reform Or Retreat? UK Firms Eye Next Steps On Pay Data



[Listen to our new podcast here](#)

LAW FIRMS

Adelson Testan
Akin Gump
Anthony Kennedy PC
Archer & Greiner
Arent Fox
Ballard Spahr
Bartlit Beck
Berry Appleman

U.K. law firms have come up with numerous approaches to a new requirement for disclosing gender pay gap information, and the ensuing PR storm is pushing them in conflicting directions. [Read more »](#)

TOP NEWS

Analysis

8 Supreme Court Blockbusters Awaiting Decisions

With the end of the U.S. Supreme Court's historic term just a month away, there are still a number of controversial cases awaiting decisions, touching on hot-button issues ranging from LGBT rights to public-sector unions. Here, Law360 breaks down the big-ticket items for which court watchers are eagerly on the lookout. [Read more »](#)

High Court Limits 4th Amendment's 'Automobile Exception'

The Supreme Court held Tuesday that Virginia police needed a warrant to walk onto a private driveway and inspect a motorcycle suspected to have been used to evade police, ruling that there are limits to a legal doctrine saying warrants aren't needed for automobile searches under the Fourth Amendment. [Read more »](#)

Analysis

Consumer Advocates Dodged CFPB Gutting With Banking Bill

After a week in which Congress passed the biggest rollback of bank regulations since the financial crisis and the Consumer Financial Protection Bureau marked its sixth month under the leadership of an acting director who once said it shouldn't exist, it's not all bad news for consumer advocates, some experts say. [Read more »](#)

Analysis

Fed Role In Sports Betting Regs Seen As Long Shot

Best Best & Krieger
Boies Schiller
Bricker & Eckler
Bryan Cave
Buchalter PC
Cahill Gordon
Carlton Fields
Clifford Chance
Constangy Brooks
Covington & Burling
Cowan DeBaets
Cullen & Dykman
DLA Piper
Davis Brown
Davis Wright Tremaine
Dickinson Wright
Dinsmore & Shohl
Eimer Stahl
Faegre Baker
FordHarrison
Fragomen Del Rey
Fredrikson & Byron
Gibson Dunn
Goodwin
Greenberg Traurig
Hanson Bridgett
Hinshaw & Culbertson
Hoge Fenton
Holland & Hart
Jackson Kelly
Jackson Lewis
Jenner & Block
Jones Day
Katz Marshall
Kilpatrick Townsend
Kutak Rock
Larson King
Lewis Brisbois

With myriad states looking to legalize sports gambling in the wake of the recent landmark U.S. Supreme Court decision, the possibility of Congress taking another stab at regulating sports betting remains, although it's unlikely given the momentum already in state legislatures and the lack of a unified lobbying effort from the sports leagues. [Read more »](#)

Feature

4 Things GCs Need To Know About Net Neutrality

In the wake of the Federal Communications Commission's decision to undo Obama-era net neutrality rules, it's become apparent that the change-up is poised to affect more than just tech firms, landing the issue on the radar of many GCs. Here's a look at four things GCs need to know about net neutrality. [Read more »](#)

ENERGY & ENVIRONMENTAL

US Says Ill. Nuke Subsidy Plan Doesn't Preempt Federal Law

The U.S. government told the Seventh Circuit on Tuesday that Illinois' plan to subsidize nuclear power plants doesn't usurp federal authority over wholesale electricity markets, and that the Federal Energy Regulatory Commission is well positioned to address any conflicts between state and federal electricity policies. [Read more »](#)

Klamath Tribes Want Lake Levels Injunction To Protect Fish

The Klamath Tribes on Tuesday asked a California federal court to force the U.S. Bureau of Reclamation to maintain water levels for the Upper Klamath Lake sufficient to protect two endangered fish vital to their culture, saying that otherwise the marine species "remain on a path to near-term extinction." [Read more »](#)

Littler Mendelson
Marshall Dennehey
Massey & Gail
Mayer Brown
McGuireWoods
McLaughlin & Stern
Miller Nash
Morgan Lewis
Morrison & Foerster
Munger Tolles
Norton Rose Fulbright
O'Brien Rulis
Ogletree Deakins
Paul Hastings
Pearl Law Group
Proskauer Rose
Quinn Emanuel
Richards Kibbe
Ropes & Gray
Rosette LLP
Sanford Heisler
Schiff Hardin
Schiller
Sedgwick LLP
Selendy & Gay
Shipman & Goodwin
Shook Hardy
Sidley Austin
Slaughter and May
Smith Gambrell
Stander Reubens
Steptoe & Johnson LLP
Stokes Lawrence
Stroock & Stroock
Traub Lieberman
Vladeck Raskin
White and Williams
WilmerHale

Feds Lose Bid To Move Clean Water Rule Delay Suits To Texas

A New York federal judge on Monday rejected the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers' request to send to Texas a pair of lawsuits by states and environmental groups that challenge the delay of a controversial rule defining the Clean Water Act's reach. [Read more »](#)

Enviros Press FERC To Yank Scaled-Back GHG Review Policy

The Delaware Riverkeeper Network on Saturday urged the Federal Energy Regulatory Commission to rescind its recently minted policy limiting its analysis of greenhouse gas emissions regarding certain pipeline projects' climate change impacts, claiming it is unlawful and was implemented in a way to shield it from legal challenges. [Read more »](#)

Green Group Wants To Depose Pruitt In FOIA Suit Over Emails

The Center for Biological Diversity announced Monday that it's seeking to depose U.S. Environmental Protection Agency Administrator Scott Pruitt as part of a lawsuit it brought in D.C. federal court in an effort to force the release of records about his schedule, emails and other communications. [Read more »](#)

EMPLOYMENT

Pa. Police Can't Recoup Trooper's Benefits After \$1M Deal

The Pennsylvania State Police on Tuesday saw the state's highest court shoot down its bid to recoup workers' compensation benefits it paid to a trooper who was injured in an on-duty car crash by claiming part of a \$1 million settlement he inked over the accident. [Read more »](#)

Philly, Chamber Take Salary History Ban Fight To 3rd Circ.

Winston & Strawn

Zelle LLP

ZwillGen PLLC

COMPANIES

3M Company

Amazon.com Inc.

American Arbitration Association

American Bar Association

American Farm Bureau Federation

American Federation of State, County and Municipal Employees

American Petroleum Institute Inc.

Burger King Holdings Inc.

Caterpillar Inc.

Center for Biological Diversity Inc.

Comcast Corporation

Delaware Riverkeeper Network

Dominion Energy Inc.

Exelon Corporation

Garden City Group Inc.

HireRight Inc.

ISO New England Inc.

Intelsat SA

Major League Baseball Inc.

NFL Enterprises LLC

National Association of Consumer Advocates

National Association of Home Builders

National Basketball Association

National Collegiate Athletic Association

National Public Radio Inc.

National Wildlife Federation

Natural Resources Defense Council

PJM Interconnection LLC

Reddit Inc.

State Farm

Both the city of Philadelphia and the Chamber of Commerce for Greater Philadelphia are asking the Third Circuit to review a recent decision that partially blocked a local ordinance aimed at addressing pay equity by barring employers both from asking about a job applicant's salary history and using salary histories to set wages. [Read more »](#)

TCJA Led To \$6.6B Rise In Pension Contributions, Study Says

The federal tax overhaul led to an unexpected \$6.6 billion increase in employer-based contributions to defined-benefit pension plans in 2017, as companies sought to maximize the benefit of their deductions, a study released Tuesday found. [Read more »](#)

Overlap Voids Background Check Laws, Calif. High Court Told

A school bus company said Tuesday that it shouldn't be held liable for not complying with California's Investigative Consumer Reporting Agencies Act requiring employers to get job applicants' consent before conducting background checks, arguing before that state's Supreme Court that because the ICRAA overlaps with another state law, both are unconstitutionally vague and invalid. [Read more »](#)

AEROSPACE & DEFENSE

NASA Told To Improve Process For Reimbursable Agreements

The National Aeronautics and Space Administration needs to revise the processes used to manage its reimbursable agreements, which govern the utilization of NASA technology and other services by government agencies and others, according to a report released by the agency's Office of the Inspector General. [Read more »](#)

INTERNATIONAL TRADE

Steven Madden Ltd.
Talen Energy Corp.
TechFreedom
The Boeing Company
U.S. Chamber of Commerce
Wayfair LLC
Wells Fargo & Co.
comScore, Inc.
eBay Inc.

GOVERNMENT AGENCIES
Administration for Children and Families
Army Corps of Engineers
Bureau of Reclamation
California Attorney General's Office
California Department of Education
California Supreme Court
Consumer Financial Protection Bureau
Department of Commerce
Executive Office of the President
Federal Communications Commission
Federal Energy Regulatory Commission
Food and Nutrition Service
House of Commons of the United Kingdom
Internal Revenue Service
Klamath Tribes
National Aeronautics and Space Administration
New Jersey Election Law Enforcement Commission
Pennsylvania Supreme Court
U.S. Army
U.S. Attorney's Office
U.S. Census Bureau
U.S. Department of Agriculture

US Forging Ahead With China Tariffs Despite Apparent Truce

Just days after the Trump administration struck a political agreement to cool rising trade tensions with China, the White House on Tuesday said that it is moving ahead with tariffs and investment restrictions aimed at countering a litany of Beijing's contentious intellectual property policies. [Read more »](#)

TAX

W.Va. Urges Supreme Court To Pass On Retiree Tax Case

The West Virginia tax commissioner hit back Tuesday at federal attorneys asking the U.S. Supreme Court to hear a case on the state's tax treatment of federal retirees, saying their request was based on a misreading of the record. [Read more »](#)

IMMIGRATION

White House Denounces Legal Protections For Migrant Kids

White House senior policy adviser Stephen Miller blasted a number of bedrock legal protections for migrant children and asylum seekers as causes of what he characterized as an "immigration crisis" at the U.S.-Mexico border in a press call Tuesday. [Read more »](#)

DHS Authorizes 15K More H-2B Temporary Worker Visas

The Trump administration has authorized an additional 15,000 H-2B visas for temporary workers this year due to high demand from American businesses "at risk of failing," according to the U.S. Department of Homeland Security. [Read more »](#)

Feds Urge Tossing Of Suit Over Census Citizenship Question

The federal government has urged a New York federal court to toss a suit filed last month by several states and municipalities that

U.S. Department of Education

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Environmental Protection Agency

U.S. Immigration and Customs Enforcement

U.S. Supreme Court

United States District Court for the Eastern District of Pennsylvania

Wisconsin Legislature

World Trade Organization

challenges a recent decision to add a question to the 2020 census about whether respondents are U.S. citizens, arguing the communities fail to raise a legitimate legal question. Read more »

Coalition Urges DeVos To Clarify Immigrant Students' Rights

A coalition of more than 160 civil rights and education groups on Tuesday condemned U.S. Department of Education Secretary Betsy DeVos' remarks that it was a "local community decision" whether educators should report unauthorized students to federal immigration agents, urging her to "swiftly ameliorate" the damage caused by her comments. Read more »

TELECOMMUNICATIONS

FCC's O'Rielly Seeks Amazon, EBay Set-Top Box Crackdown

Federal Communications Commissioner Michael O'Rielly has urged online retail giants Amazon Inc. and eBay Inc. to do more to combat the sale of illicit set-top boxes and other streaming devices that infringe content providers' copyrights or contain malware. Read more »

Telcordia Finally Takes Charge Of Cell Number Portability

The Federal Communications Commission said Tuesday that its system for enabling consumers to switch cellphone providers without losing their telephone numbers has finally been turned over to a new operator, capping a long-running fight over the switch that is expected to lower costs for consumers. Read more »

FCC Says Senator Can Join Mobility Fund Challenge Process

Sen. Joe Manchin, D-W.Va., may participate in shaping a final map that will determine where mobile carriers can provide new 4G LTE

coverage using subsidies from the Mobility Fund, the Federal Communications Commission said in a Friday order. Read more »

C-Band Sharing Proposal Draws Broadcaster, Hobbyist Ire

Major radio and cable broadcasters are again urging the Federal Communications Commission to protect portions of the airwaves they use to distribute programming to tens of millions of Americans as the agency mulls opening C-band spectrum access for 5G, arguing that alternative systems are too costly to construct. Read more »

WHITE COLLAR

Newark Mayor's Ex-Campaign Treasurer Cops To \$220K Theft

A former campaign treasurer for Newark Democratic Mayor Ras J. Baraka on Tuesday in New Jersey federal court admitted to embezzling more than \$220,000 in campaign funds over more than three years by cashing bogus checks at a bank branch where he was familiar with the tellers. Read more »

EXPERT ANALYSIS

Takeaways From Senate 'Buy American' School Lunch Bill

Even if the bipartisan American Food for American Schools Act fails to make it out of committee, it signals a continued trend to strengthen the "Buy American" requirement under the National School Lunch Program and the School Breakfast Program, say Justin Ganderson and Jennifer Plitsch of Covington & Burling LLP. Read more »

Opinion

Republicans' Tax Law: Most Reckless I've Seen In 20 Years

The Republican tax bill passed into law last year further enriches the wealthy and large

corporations, provides minimal tax relief for the middle class, explodes the national debt, displaces needed investments in infrastructure and education and, on top of all that, spitefully targets specific groups and regions, including citizens in my own state, says New Jersey Congressman Bill Pascrell. [Read more »](#)

Texas 'Hail Bill' Promotes Dispute Resolution Over Litigation

A Texas federal court's ruling in Carrizales v. State Farm Lloyds acknowledges that the primary purpose of Texas Insurance Code Section 542A, also known as the "Hail Bill," is to encourage resolution of disputed weather-related claims without the need for litigation, say Kristin Cummings and Lindsey Bruning of Zelle LLP. [Read more »](#)

Rule 23 Changes: How Electronic Notice Can Save Money

Courts are acknowledging a shifting consumer preference toward electronic mediums. Proposed changes to Rule 23, scheduled to take effect at the end of this year, will officially provide for the use of electronic notice in class actions — a change that could save parties a significant amount of money, say Brandon Schwartz and Maggie Ivey of Garden City Group LLC. [Read more »](#)

Analyzing The Economics Of Litigation Funding

The growth of litigation funding has only increased the controversy surrounding it. Looking to move beyond the rhetoric for and against the practice, attorney and investment analytics expert J.B. Heaton, of J.B. Heaton PC and Conjecture LLC, attempts an objective analysis of the underlying economics of the litigation funding arrangement. [Read more »](#)

LEGAL INDUSTRY

Quinn Can't Make Ex-Partners Forfeit Fees, Selendy Attys Say

A group of former Quinn Emanuel Urquhart & Sullivan LLP partners who recently left to form Selendy & Gay PLLC say a so-called forfeiture-for-competition provision in their old partnership agreements requiring them to hand Quinn Emanuel some legal fees earned at the new firm violates New York ethics rules and isn't enforceable. [Read more »](#)

Interview

15 Minutes With Steve Madden's General Counsel

Over the course of his three-decade legal career, Michael Paradise has held many roles in many different places, but his current position at Steven Madden Ltd. represents something of a homecoming. Here, he describes some of the challenges and rewards of his latest role, his transition to the fashion industry and what he admires most in outside counsel. [Read more »](#)

Ex-Ogletree Atty Fights Bid To Move \$300M Gender Bias Suit

An ex-Ogletree Deakins Nash Smoak & Stewart PC attorney urged a California federal judge on Friday to keep her \$300 million putative gender discrimination class and collective action against the firm in the Northern District, arguing that moving the dispute would put class members at an unfair disadvantage. [Read more »](#)

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From: Public Policy Law360
Sent: Monday, June 4, 2018 3:56 AM
To: Rep48
Subject: Trump Subverts FERC With Coal, Nuke Plant Bailout Order



Monday, June 4, 2018



TOP NEWS

Analysis

Trump Subverts FERC With Coal, Nuke Plant Bailout Order

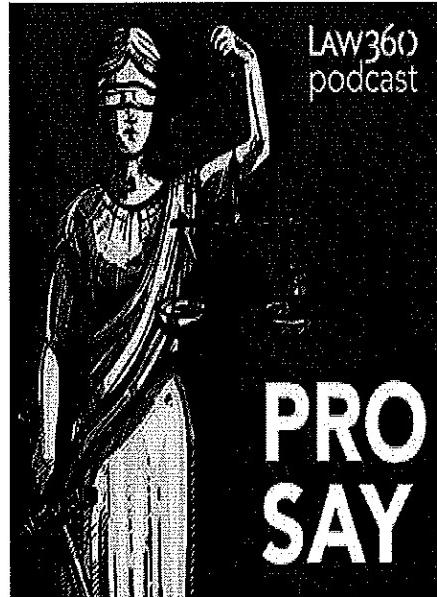
President Donald Trump on Friday ordered Energy Secretary Rick Perry to take immediate steps to prop up struggling coal and nuclear power plants, a move experts say will not only unleash an avalanche of legal challenges but could also undermine the Federal Energy Regulatory Commission's authority over the nation's electric grid. [Read more »](#)

As Piwowar Exits, Trump Taps Ex-Milbank Atty For SEC

After U.S. Securities and Exchange Commission member Michael Piwowar announced last month that he'd be out by July, President Donald Trump nominated a former Milbank Tweed Hadley & McCloy LLP corporate and securities law attorney to a commission slot Friday. [Read more »](#)

Trump To Nominate Williams & Connolly Alum As FCC Commish

President Donald Trump intends to nominate Geoffrey Starks as the next Democratic FCC commissioner to fill the role recently vacated by Mignon Clyburn, according to a White



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Babst Calland
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BakerHostetler
Ballard Spahr
Best Best & Krieger

House announcement Friday evening. Read more »

HHS To Delay Drug Pricing Rule To July 2019

A subagency of the U.S. Department of Health and Human Services is delaying a rule establishing ceiling prices on outpatient drugs under the 340B Drug Pricing Program and fines for violating manufacturers after finding it needs more time to reconsider certain details and that companies need time to adjust, according to a filing in the Federal Register on Friday. Read more »

DOJ Launches Global Antitrust Enforcement Framework

The U.S. Department of Justice hopes to standardize aspects of international antitrust enforcement through a voluntary framework set to launch next week, Makan Delrahim, assistant attorney general for the DOJ's Antitrust Division, said Friday. Read more »

11th Circ. Modifies CSX's Sales Tax Win, Again

The Eleventh Circuit on Thursday modified its opinion that Alabama taxes discriminate against rail carriers for a second time, to more closely reflect statutory language after state attorneys revealed that the Alabama Revenue Department has applied the language inconsistently in the past. Read more »

BANKING & SECURITIES

SEC Delays Action On NYSE Bid To Ease Blank Check Rules

The U.S. Securities and Exchange Commission on Thursday postponed deciding on a New York Stock Exchange proposal to ease listing rules for blank check companies, which are increasingly popular vehicles that conduct initial public offerings strictly to fund

Blank Rome
Bryan Cave
Buchalter PC
Cahill Gordon
Choate
Cozen O'Connor
Cravath Swaine
Culhane Meadows
DLA Piper
Dickstein Shapiro
Duane Morris
Fish & Richardson
Gibson Dunn
Greenberg Traurig
Hinshaw & Culbertson
Hogan Lovells
Jenner & Block
Jones Day
Kelley Drye
Kelly Hart
Kiesel Law
Kirkland & Ellis
Latham & Watkins
Manatt Phelps
McCormick Law Firm
McLaughlin & Stern
Milbank Tweed
Morgan Lewis
Morrison & Foerster
Nixon Peabody
O'Melveny & Myers
Olivares
Paul Hastings
Paul Weiss
Pepper Hamilton
Perkins Coie
Pietragallo Gordon
Post & Schell

acquisitions, saying it needs more time to consider the matter. [Read more »](#)

ENERGY & ENVIRONMENTAL

EPA Must Cough Up Info On Pruitt's Climate Change Comment

A D.C. federal judge ruled Friday that the U.S. Environmental Protection Agency must fork over records underlying Administrator Scott Pruitt's statement on CNBC that carbon dioxide created by human activity is not a "primary contributor" to climate change, blasting its "excuses" for not giving them to an environmental group yet. [Read more »](#)

17 Govs. Reaffirm GHG Goals 1 Year After Trump's Paris Vow

A year after President Donald Trump announced he was reversing his predecessor's commitment to the Paris Agreement aimed at lowering climate change-causing greenhouse gas emissions, a coalition of 17 governors reaffirmed on Friday that they wanted to push toward the deal's goals anyway. [Read more »](#)

Pa. Justices Won't OK Drilling In Town's Residential Area

Pennsylvania's highest court on Friday found that a hydraulic fracturing operation that a Lycoming County municipality agreed to allow in a residential and agricultural zoning district was incompatible with land uses permitted in the area. [Read more »](#)

Pa. Justices Largely Preserve Fracking Rule Injunction

The Pennsylvania Supreme Court on Friday largely preserved a preliminary injunction won by an industry group that bars state environmental regulators from beginning to enforce controversial new rules governing hydraulic fracturing operations. [Read more »](#)

HEALTH & LIFE SCIENCES

Quinn Emanuel
Ropes & Gray
Scheper Kim
Selendy & Gay
Selman Breitman
Skadden
Smith Gambrell
Steptoe & Johnson LLP
Stoel Rives
Sullivan & Cromwell
Weil Gotshal
Williams & Connolly
WilmerHale
Wilson Elser

COMPANIES

AT&T Inc.
Aerospace Industries Association
American Bar Association
American Civil Liberties Union
American Immigration Council
American Immigration Lawyers Association
CSX Corporation
Catholic Legal Immigration Network Inc.
Chevron Corporation
Chipotle Mexican Grill, Inc.
Community Financial Corp.
Council on Foreign Relations
Digital Realty Trust Inc.
Domino's Pizza Inc.
Electronic Frontier Foundation
Environmental Defense Fund Inc.
Epic Systems Corp.
Equifax Inc.
Facebook
Fordham University
Gallup Inc.

NJ Enacts Law Targeting 'Surprise' Medical Bills

New Jersey Gov. Phil Murphy on Friday signed into law a Democrat-backed measure to ease the burden of health care costs by, among other things, requiring health care providers and insurers to provide consumers advance notice when a provider is out-of-network. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

Calif. OKs Self-Driving Cars For Passenger Pickups

California regulators on Thursday allowed self-driving cars to pick up ride-share passengers for the first time in the Golden State. [Read more »](#)

COMPETITION

DOJ Antitrust Deputy Touts Vertical Merger Bargaining Models

The U.S. Department of Justice Antitrust Division's chief economist said Friday at a conference at New York University's Stern School of Business that newer economic models that chart the bargaining power of merging companies help to find harm in vertical deals that older models missed. [Read more »](#)

Common Ownership Not An Antitrust Problem: FTC Commish

Newly minted Federal Trade Commissioner Noah Joshua Phillips said Friday at a conference on antitrust economics that he does not believe there is enough evidence to warrant a policy shift over worries that the common ownership of stakes in competing companies by institutional investors creates an antitrust problem. [Read more »](#)

CYBERSECURITY & PRIVACY

Garden City Group Inc.

Goldman Sachs Group Inc.

H&M

HCP, Inc.

Human Rights Campaign

Immigrant Legal Resource Center

Instagram Inc.

International Association of Privacy Professionals

Lockheed Martin

Mexican American Legal Defense and Education Fund

Microsoft Corporation

NASDAQ OMX Group Inc.

NYSE Holdings LLC

National Association of Broadcasters

National Collegiate Athletic Association

National Consumer Law Center

National Immigration Law Center

New York Times Co.

New York University

Oxford University Press Ltd.

PJM Interconnection LLC

Securus Technologies Inc.

State Street Corp.

Steven Madden Ltd.

Texas RioGrande Legal Aid Inc.

The DIRECTV Group, Inc.

Time Warner Inc.

Twitter Inc.

GOVERNMENT AGENCIES

Alabama Department of Revenue

Bureau of Citizenship and Immigration Services

Bureau of Indian Affairs

Bureau of Labor Statistics

Cabazon Band of Mission Indians

Colo. Enacts 'Groundbreaking' Data Breach Disclosure Law

Businesses in Colorado will soon face one of America's strictest data breach notification laws, including a requirement that they alert customers within 30 days of possible exposure of private data, part of newly enacted legislation some privacy attorneys are calling "groundbreaking." [Read more »](#)

Advocates Decry Social Media Surveillance Of Visa Applicants

Nearly 50 advocacy organizations urged the U.S. Department of State to reject proposed changes to nonimmigrant and immigrant visa application forms that would allow the agency to collect social media information, arguing that they would undermine free speech rights and encourage discrimination based on national origin. [Read more »](#)

Civil Rights Orgs Urge NSA To Release Call Detail Records

Two dozen civil liberties groups have asked that U.S. authorities provide a breakdown of the more than 540 million phone records collected by the National Security Agency last year, citing transparency rules in a 2015 law that scaled back the government's ability to collect American phone records in bulk. [Read more »](#)

AEROSPACE & DEFENSE

Aerospace Group Lays Out Arms Export Overhaul Proposals

The Aerospace Industries Association in a letter made public Friday urged U.S. Secretary of State Mike Pompeo to overhaul the process for defense exports, laying out a proposed plan for improvement while arguing the current process hurts U.S. competitiveness. [Read more »](#)

IMMIGRATION

California Public Utilities Commission

California State Transportation Agency

Cherokee Nation

Consumer Financial Protection Bureau

Equal Employment Opportunity Commission

European Union

Executive Office of the President

Federal Acquisition Regulatory Council

Federal Bureau of Investigation

Federal Communications Commission

Federal Energy Regulatory Commission

Federal Trade Commission

Food and Drug Administration

Government Accountability Office

Health Resources and Services Administration

Kickapoo Traditional Tribe of Texas

National Institute of Standards and Technology

National Labor Relations Board

National Security Agency

National Security Council

Navajo Nation

New York State Assembly

Office of the Director of National Intelligence

Organization of American States

Pennsylvania Supreme Court

Securities and Exchange Commission

U.S. Attorney's Office

U.S. Department of Defense

Trans Immigrant Asks Justices To Review Name Change Law

A transgender immigrant man lawfully living in Indiana asked the U.S. Supreme Court on Thursday to review a Seventh Circuit decision holding that he cannot sue Indiana officials in federal court over a state law requiring name change applicants to prove their U.S. citizenship. [Read more »](#)

NY Assembly Introduces Bill To Protect Immigrants At Courts

A bill introduced Thursday in the New York State Assembly would bar immigration officers from being able to make civil arrests at state courthouses if they did not possess a court order or a judicial arrest warrant. [Read more »](#)

Rights Panel Urged To Take On Family Separations At Border

Immigration advocates urged the Inter-American Commission on Human Rights on Thursday to submit requests for the Trump administration to cease separating children from their families at the United States-Mexico border, filing a complaint on behalf of five parents. [Read more »](#)

NATIVE AMERICAN

Navajo Can't Take Part In Indian Child Welfare Act Challenge

A Texas federal judge on Friday declined the Navajo Nation's request to intervene in a suit brought by Texas and some foster families challenging the Indian Child Welfare Act, deciding that the tribe's interests were already represented by other tribes and the federal government. [Read more »](#)

TELECOMMUNICATIONS

Fla. Plan Swaps Prison Visits For Video Chats, Groups Say

Inmate rights groups are pushing back against a proposal by the Florida Department of

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of State

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Senate

U.S. Supreme Court

World Trade Organization

Corrections that would slash weekend visiting hours and encourage families to use pricey video chat services instead. [Read more »](#)

FCC's Small Cell Review Exemptions Pass Muster, GAO Says

The Government Accountability Office has signed off on a recent Federal Communications Commission rule exempting small cell fixtures, necessary for building up next-generation or 5G networks, from environmental and historic reviews. [Read more »](#)

Startup Asks FCC To Make Rules For Internet Airships

A startup that wants to beam the next generation of mobile internet service down from airships hovering miles in the sky has asked the Federal Communications Commission to start writing the rules on how it would regulate such technology, arguing it could solve future demand for 5G. [Read more »](#)

WHITE COLLAR

Whistleblower Allegedly Filed Doc Mocking Hastert Atty

Counsel for former U.S. Speaker Dennis Hastert told an Illinois federal judge on Thursday a would-be whistleblower who accused Hastert of misusing federal funds filed documents with the court in which he secretly altered Hastert's attorney Christian Poland's name to "Christina." [Read more »](#)

Pa. High Court Drops Ex-Lawmaker's Appeal Of Conviction

The Pennsylvania Supreme Court on Friday changed its mind about its decision to hear an appeal by a convicted former Legislature leader who claims that his attorney botched his defense by failing to preserve testimony from a group of witnesses. [Read more »](#)

EXPERT ANALYSIS

A Closer Look At New Federal 'Right To Try' Law

Recently signed into law by the president, the federal Right to Try Act creates a framework for patients to access investigational new drug products. But it comes in the wake of a majority of states passing their own "right to try" laws, creating the potential for a conflict between state laws, the U.S. Food and Drug Administration's expanded access regulations and federal statutes, say attorneys with Morgan Lewis & Bockius LLP. [Read more »](#)

Still Looking For Clarity In DOD Information Security Rule

The U.S. Department of Defense recently issued guidance on its information safeguarding rule, but many believe the rule remains as clear as mud. There are some steps contractors can take to protect themselves from the unknown, say Jeniffer De Jesus Roberts and Katherine Veeder of Alston & Bird LLP. [Read more »](#)

2 Gambling Issues That May Change After Sports Bet Ruling

The U.S. Supreme Court's decision in Murphy is just the latest flip in America's roller-coaster treatment of gambling. This particular twist is likely to impact directly the fortunes of two groups somewhat improbably linked by their relationship to gambling — Native American tribes and the tiny Caribbean nation of Antigua and Barbuda, says David Jacoby of Culhane Meadows PLLC. [Read more »](#)

Series

Judging A Book: Wallach Reviews 'Uncivil Warriors'

"Uncivil Warriors: The Lawyers' Civil War," by Peter Hoffer, is a new book about the involvement of lawyers on both sides in the American Civil War. The discussion is enlightening and often fascinating, but falls

short in several key areas, says Federal Circuit Judge Evan Wallach. [Read more »](#)

LEGAL INDUSTRY

Feature

LGBT Pride: Weighing The State Of Equality In The Law

Every June, rainbow flags decorate storefronts and apparel across the U.S. in celebration of LGBT Pride Month. As the anniversary of the U.S. Supreme Court's trio of landmark LGBT rights rulings approaches, LGBT attorneys and legal industry leaders spoke with Law360 and shared what they think the industry does well and what it can do better for those within its ranks. [Read more ½ B](#)

Breyer Urges Law School Grads To Defend Rule Of Law

U.S. Supreme Court Justice Stephen Breyer exhorted a class of New York Law School graduates at their commencement ceremony Friday afternoon to remain engaged in public life and to dedicate themselves to upholding faith in the rule of law, both for themselves and for myriad Americans who were not trained as lawyers. [Read more »](#)

Steptoe Pay Bias Suit Headed To Arbitrator Post-Epic

A California federal judge dismissed a former Steptoe & Johnson LLP associate's proposed pay equity class action against the firm on Thursday, after she and the firm agreed she must arbitrate her claims in light of the U.S. Supreme Court's recent decision allowing class action waivers in the workplace. [Read more »](#)

Duane Morris, Hinshaw Partners Tapped For Calif. Bench

California Democratic Gov. Jerry Brown on Friday announced 21 appointments to trial courts across the state, including a Duane Morris LLP partner with experience litigating

technology, construction and insurance disputes, and a legal malpractice expert from Hinshaw & Culbertson LLP. [Read more »](#)

Legal Jobs Slump In May As Sluggish 2018 Continues

The legal services sector's employment struggles in 2018 continued into May, losing 200 jobs despite generally positive results for the nation's situation as a whole, the U.S. Bureau of Labor Statistics reported Friday.

[Read more »](#)

Feature

In Remote Immigrant Detention Centers, It's Pro Bono Or Bust

Absent a universal right to counsel, the availability of legal representation for noncitizens in immigration proceedings has hit a crisis point nationwide, but none are worse off than individuals detained in remote facilities. [Read more »](#)

Feature

GC Cheat Sheet: The Hottest Corporate News Of The Week

Attorneys said companies need to think twice before deciding it's too late to fill in compliance gaps for the European Union's sweeping General Data Protection Regulation, the Consumer Financial Protection Bureau and two payday lender trade groups joined together to ask a Texas federal judge to stay the groups' suit challenging the agency's so-called payday rule, and Law360 asked female attorneys what gender parity looks like in the legal industry. These are some of the stories in corporate legal news you may have missed in the past week. [Read more »](#)

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more »](#)

JOBS

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Lincoln Financial Group
Washington DC, District of Columbia

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Sent: Wednesday, June 6, 2018 4:06 AM
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Subject: Kennedy Ends 'Masterpiece' With LGBT Rights Legacy Intact



PUBLIC POLICY

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Wednesday, June 6, 2018



TOP NEWS

Analysis

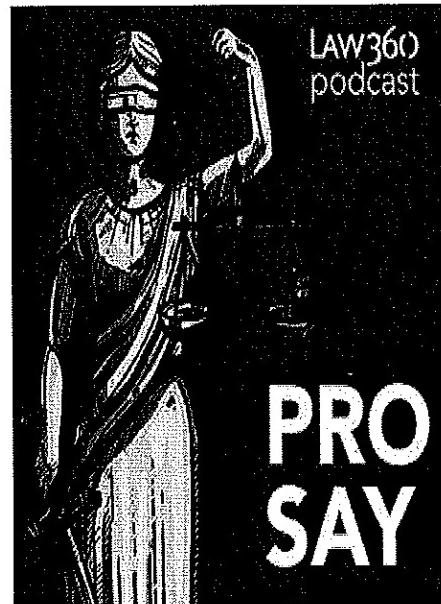
Kennedy Ends 'Masterpiece' With LGBT Rights Legacy Intact

The case of a baker who refused custom cake orders for same-sex weddings on religious grounds was perhaps the biggest test yet of Justice Anthony Kennedy's robust LGBT rights legacy, but after the dust settled on Monday's ruling in favor of the baker, that record remained largely unblemished. [Read more »](#)

Analysis

Net Neutrality Sunset Could Boost Online Sports Betting

As the Federal Communications Commission moves forward with its net neutrality rule deregulation, states are ramping up their sports betting offerings in the wake of a favorable Supreme Court decision. The timing of this convergence is coincidental, but some experts speculate it could contribute to a boom in online sports betting if gamblers are allowed



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Anthony Kennedy PC

pay for fast-tracked internet service. Read more »

Senate Confirms Trump's Ky., Texas District Judge Picks

The Senate Tuesday confirmed new federal trial judges for the first time in weeks by approving President Donald Trump's choices for the Eastern District of Kentucky and the Southern District of Texas. Read more »

Trump Loses Bid To Slow Down Defamation Suit

A New York judge again rejected arguments by President Donald Trump on Tuesday to hold off on document requests and depositions in a defamation suit brought by Summer Zervos over his claims that she lied when she accused him of sexual misconduct, giving the parties a year to get the case ready for trial. Read more »

White House Tinkers With Spending Pullback Plan

The White House picked at the edges of Congress' proposed spending cuts Tuesday, making some changes to, but mostly standing by, a plan to pull back \$15 billion in already authorized spending for health care, car technology research and other areas. Read more »

BANKING & SECURITIES

Divided SEC Approves Proposed Volcker Rule Amendments

A deeply divided U.S. Securities and Exchange Commission on Tuesday approved by a 3-2 vote a proposal to amend the so-called Volcker rule that bars banks from trading with their clients' deposits, with supporters saying the proposed changes will streamline and improve the rule, not kill it. Read more »

Advisory Board Members Say CFPB Tuning Them Out

Baker Botts
Blank Rome
Bryan Cave
Cadwalader Wickersham
Cancio Nadal
Casellas Alcover
Cravath Swaine
Cuti Hecker
DLA Piper
Davis Graham
Debevoise & Plimpton
Dechert
Dickstein Shapiro
Earthjustice
Gibson Dunn
Goldman Antonetti
Greenberg Traurig
Holland & Hart
Hueston Hennigan
Ifrah Law
Jomarron Lopez
Kasowitz Benson
Kramer Levin
Lawyers' Committee for Civil Rights
Lewis Brisbois
Littler Mendelson
McDermott Will
Milbank Tweed
Miller Canfield
O'Neill & Borges
Paul Hastings
Proskauer Rose
Reed Smith
Ryan Ryan
Sher Tremonte LLP
Sidley Austin
Simpson Thacher

Nearly a dozen members of the Consumer Financial Protection Bureau's consumer advisory board have accused the agency of repeatedly canceling meetings and otherwise brushing them off since Mick Mulvaney took over as its acting director. [Read more »](#)

Dem AGs Urge CFPB To Keep Complaint Database Open

A coalition of 14 state attorneys general urged the Consumer Financial Protection Bureau on Monday to maintain public access to its consumer complaint database on the financial industry, joining a chorus of lawmakers and enforcers who say the database is vital for spotting problems in the industry. [Read more »](#)

ENERGY & ENVIRONMENTAL

Trump's Coal, Nuke Bailout Push Has Legal Legs: FERC Chair

President Donald Trump's controversial call for the U.S. Department of Energy to immediately prop up struggling coal and nuclear power plants has roiled the U.S. electric industry, but Federal Energy Regulatory Commission Chairman Kevin McIntyre said Tuesday that there is valid law on the president's side. [Read more »](#)

10th Circ. Greenlights Appeal Of Methane Rule's Stay

The Tenth Circuit said Monday that California, New Mexico and several conservation groups may continue their appeal of a Wyoming federal judge's stay of the implementation of an Obama-era rule that would put restrictions on natural gas wells on public and tribal lands. [Read more »](#)

HEALTH & LIFE SCIENCES

Lawmakers Raise Concerns About HHS Cyber Law Rollout

Bipartisan members of key House and Senate committees pressed the U.S. Department of

Terrell Marshall

Weil Gotshal

Western Environmental Law Center

White and Williams

Wiley Rein

Winston & Strawn

COMPANIES

AT&T Inc.

Allstate Corporation

Amazon.com Inc.

American Bankers Association

American Bar Association

American Civil Liberties Union

Cable News Network Inc.

Center for Biological Diversity Inc.

Charter Communications Inc.

Chevron Corporation

Clean Air Task Force

Comcast Corporation

Competitive Carriers Association

Competitive Enterprise Institute

ConAgra Foods, Inc.

Environmental Defense Fund Inc.

Facebook

FanDuel Inc.

Federalist Society

Google Inc.

HarperCollins Publishers LLC

Home Box Office Inc.

Huawei Technologies

Internet Corporation for Assigned Names and Numbers

Kaspersky Lab Ltd.

Major League Baseball Inc.

Major Lindsey & Africa

Miami Marlins

NBCUniversal Inc.

Health and Human Services on Tuesday for answers on how the department is implementing a 2015 law intended to encourage government agencies to share cyberthreat data. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

DOT Rule Opens Transit Projects To More Private Funding

The U.S. Department of Transportation has finalized a rule that will help the federal government tap into more private investment opportunities for public transit projects, saying Tuesday that the rule is aimed at cutting red tape and incorporating innovative financing tools. [Read more »](#)

EMPLOYMENT

GAO Releases Report On \$15.3B Multiemployer Plan's Decline

One of the largest multiemployer pension plans in the U.S., with \$15.3 billion in assets, is expected to be insolvent in seven years, the U.S. Government Accountability Office said on Monday in a report for Congress that reviewed the events and circumstances that led to the plan's current financial condition. [Read more »](#)

NLRB Moving Forward On Joint-Employer Regs, Chair Says

In response to lawmakers' ethical concerns, the chairman of the National Labor Relations Board said Tuesday that he takes his ethics responsibilities seriously and that the agency will address the 2015 Browning-Ferris Industries joint-employment decision with a rulemaking "as soon as possible." [Read more »](#)

Miami Marlins Buyers Ask To Duck ERISA Rules After Sale

The Miami Marlins' new owners on Tuesday asked the federal agency in charge of pension

National Telephone Cooperative Association

National Wildlife Federation
Natural Resources Defense Council

New York Times Co.

Petrobras

Robert Half International Inc.

Royal Dutch Shell PLC

Sierra Club

Spokeo Inc.

TechFreedom

Telecommunications Industry Association

Temple University

The Boeing Company

The Wilderness Society

Twitter Inc.

U.S. Chamber of Commerce

USG Corporation

United Parcel Service Inc.

United States Olympic Committee

Villanova University

Volvo Car Corp.

Wal-Mart Stores Inc.

Washington Lawyers' Committee for Civil Rights and Urban Affairs

Weaver LLP

Wells Fargo & Co.

Wilderness Workshop

Yahoo! Inc.

ZTE Corp.

Zeughauser Group LLC

GOVERNMENT AGENCIES

Bureau of Land Management

Commodity Futures Trading Commission

Congressional Research Service

plans for an exemption to Employee Retirement Income Security Act rules that are designed to protect pensions after companies are sold, saying it shouldn't be required to post a \$4.8 million bond for five years. Read more »

CYBERSECURITY & PRIVACY

Facebook Fan Page Admin Must Protect Data, EU Court Says

The European Union's highest court ruled Tuesday that operators of Facebook fan pages are responsible along with the social network for protecting visitors' personal data and affirmed that a German privacy authority can take action against the company despite its European headquarters being in Ireland. Read more »

CONSUMER PROTECTION

Judge Sides With USDA On Beef, Pork Labeling Rules

A Washington federal judge on Tuesday tossed ranchers' challenge to the U.S. Department of Agriculture's relaxed origin-labeling rules for beef and pork, saying the rules "directly reflected" congressional mandates. Read more »

MEDICAL MALPRACTICE

Sens. Blast Olympic Orgs For Nassar Abuse Failures

A Senate Commerce subcommittee grilled witnesses Tuesday about how to fix the "culture of complicity and chaos" that let the now-infamous Dr. Larry Nassar sexually abuse hundreds of Olympic gymnasts, with senators calling for sweeping changes to prevent a repeat of his "nightmarish" actions. Read more »

GOVERNMENT CONTRACTS

Consumer Financial Protection Bureau
Department of Commerce
Energy Information Administration
European Union
Executive Office of the President
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Energy Regulatory Commission
Federal Reserve System
Federal Transit Administration
Food and Drug Administration
Government Accountability Office
Internal Revenue Service
NAFTA
National Economic Council
National Labor Relations Board
National Telecommunications and Information Administration
New Mexico Attorney General's Office
New York Attorney General's Office
Office of the Comptroller of the Currency
Office of the U.S. Trade Representative
Pension Benefit Guaranty Corp.
Securities and Exchange Commission
Texas Supreme Court
U.S. Agency for International Development
U.S. Air Force
U.S. Department of Agriculture
U.S. Department of Defense
U.S. Department of Energy

Air Force Drops \$24M Deal For New Presidential Jet Fridges

The U.S. Air Force has canceled a sole-source, nearly \$24 million contract to provide new refrigerators for the aging Air Force One presidential jet after Rep. Joe Courtney, D-Conn., had raised price and competition concerns regarding the deal, Courtney revealed Monday. [Read more »](#)

AEROSPACE & DEFENSE

DOD Pushing Ahead Prematurely With F-35, GAO Says

The U.S. Department of Defense has planned to push ahead with a multibillion-dollar modernization of early F-35s without building a solid business case, and lawmakers should consider withholding initial funding for the plan, the U.S. Government Accountability Office said Tuesday. [Read more »](#)

INTERNATIONAL TRADE

Trump Mulling Possible Split Of NAFTA Negotiations

With any hope of delivering a revised North American Free Trade Agreement to Congress this year all but gone, the White House's top economic adviser said Tuesday that President Donald Trump is considering whether to bifurcate the effort and hold talks with Canada and Mexico on separate tracks. [Read more »](#)

Corker Readies Bill To Rein In Trump's Security Tariffs

Senate Foreign Relations Committee Chairman Bob Corker, R-Tenn., said Tuesday that he is preparing legislation that will roll back President Donald Trump's authority to impose tariffs based on national security, which has become a flashpoint for controversy in recent weeks. [Read more »](#)

Construction Contractors Concerned About Trade Policy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. House Committee on Energy and Commerce

U.S. Immigration and Customs Enforcement

U.S. Supreme Court

Construction contractors are increasingly concerned about the effect the Trump administration's international trade policy will have on the cost of materials and equipment, according to a survey conducted by the U.S. Chamber of Commerce and materials manufacturer USG Corp. [Read more »](#)

Mexico Hits Back At US With Steel, Pork Tariffs

Mexico hit the U.S. on Tuesday with tariffs on steel and agricultural products — including pork, cheese, apples and potatoes — in response to the Trump administration's sweeping duties on steel and aluminum imports. [Read more »](#)

BANKRUPTCY

1st Circ. Mulls Creditors' Role In Puerto Rico Recovery

The First Circuit on Tuesday questioned whether a group of bondholders can step in and influence the actions of Puerto Rico's struggling public entities, during a morning of arguments before the appellate panel centering on the island commonwealth's historic restructuring. [Read more »](#)

IMMIGRATION

Gov't Seeks To Nix Suit Over Salvadorans' Protected Status

The federal government urged a Maryland federal court Monday to toss a case challenging the U.S. Department of Homeland Security's recent decision to terminate a temporary protected status program for approximately 200,000 Salvadorans in September 2019, saying the decision is not legally reviewable. [Read more »](#)

Immigrants Fight To Preserve Temporary Protected Status

A group of immigrants from El Salvador, Haiti, Nicaragua and Sudan asked a California

federal court Monday to let them move forward with their challenge to the Trump administration's decision to end temporary protected status for 200,000 people. [Read more »](#)

Attys For Iraqi Detainees Demand Access To Clients

Attorneys for a certified class of Iraqi detainees urged a Michigan federal court to halt plans to transfer their clients from a Georgia detention center and allow the attorneys access to the individuals so they can investigate whether the federal government is coercing the immigrants. [Read more »](#)

TELECOMMUNICATIONS

Telecom Agency Seeks Advice On Int'l Internet Policy

The National Telecommunications and Information Administration has put out a wide call for advice on what its international internet priorities should be over the year, asking for comments on ways to ensure the free flow of data, cybersecurity policies and emerging technologies. [Read more »](#)

Net Neutrality Move May Have Unintended Effect, Attys Warn

The Congressional Review Act attempt to restore Obama-era net neutrality rules may have unintended consequences that gut important transparency requirements while still moving forward with the Title I reclassification of the internet as an information service, telecom experts warned during a Tuesday morning panel. [Read more »](#)

Huawei Hits Out At Proposed FCC National Security Ban Rule

Chinese telecommunications equipment manufacturer Huawei has hit back against a proposed Federal Communications Commission rule that would block funds from an \$8.5 billion FCC program going to

companies who use equipment deemed to pose a threat to national security, calling the proposal unconstitutional and "imprudent" in comments made public Monday. [Read more »](#)

Think Tank Says FCC Should Scrap Cable Rules

A think tank that often advocates for deregulation has urged the Federal Communications Commission to go forward with its plan to scrap rules requiring cable companies to dedicate some of their channel capacity to independent programmers, arguing Monday that the rules hinder competition and free speech. [Read more »](#)

WHITE COLLAR

Judge Denies Hastert's Request For Post-Deal Reprimand

An Illinois federal judge on Tuesday turned down former U.S. House Speaker Dennis Hastert's request that he reprimand a would-be whistleblower for allegedly intentionally misprinting Hastert's lawyer's name on dismissal papers filed in the Seventh Circuit, instead saying he would "cleanse the record appropriately" and let the appellate dismissal mandate end the case. [Read more »](#)

EXPERT ANALYSIS

A Better Method For Achieving Broader Class Action Reform

In recent months, the U.S. Department of Justice and many state attorneys general have addressed class action reform by objecting to proposed class action settlements. While we are sympathetic to concerns about class litigation abuse, what's needed is careful oversight at the earliest stages of litigation, say Kahn Scolnick and Bradley Hamburger of Gibson Dunn & Crutcher LLP. [Read more »](#)

Opinion

SEC Should Expand Opportunities For Mr. And Mrs. 401(k)

As the U.S. Securities and Exchange Commission considers raising the standard of conduct applicable to investment advisers with respect to their retail clients, it should also consider loosening the restrictions that inhibit retail investors from gaining access to privately placed securities and other alternative investments, say Dina Ellis Rochkind and Joshua Downer of Paul Hastings LLP. [Read more »](#)

A Look At Treasury's Recent Efforts To Reform Regulation

In keeping with the "one in, two out" principle of deregulation adopted by the Trump administration, the president has called on the U.S. Department of the Treasury to reduce regulatory burdens on taxpayers. Andrew Roberson and Justin Crouse at McDermott Will & Emery LLP look at what has happened so far and what taxpayers can do in anticipation of future regulatory reform. [Read more »](#)

LEGAL INDUSTRY

Feature

Firms May Think Twice Before Matching Milbank On Salaries

Milbank Tweed Hadley & McCloy LLP's announcement on Monday that it would increase associates' salaries signals the beginning of another race to match a new, higher pay scale, but not all firms may follow, leading to further stratification between the most profitable firms and everyone else. [Read more »](#)

Winston & Strawn, Proskauer Latest To Bump Associate Pay

Winston & Strawn LLP and Proskauer Rose LLP on Tuesday said they will match the new pay scale put forth by Milbank Tweed Hadley & McCloy LLP a day earlier that raises

associates' compensation by \$10,000 to \$15,000. [Read more »](#)

Pro Bono Spotlight

2 Boutique Associates Snag Prisoners' Rights Win At 2nd Circ.

It doesn't take a large law firm or high-powered partner to win a big pro bono victory, as two associates from litigation boutique Sher Tremonte LLP made clear earlier this month by securing a precedential Second Circuit decision finding prisoners have the right to refuse to become government informants. [Read more »](#)

Guest Feature

Dan Abrams Talks 'Lincoln's Last Trial' And Crime In Media

Everything I saw through the glass walls of Dan Abrams' office shouted new media. But after an hour with the ABC News chief legal affairs anchor, discussing his new book about Abraham Lincoln's career as a lawyer and a wealth of other topics, I came away realizing the secret of his success. And there's nothing new about it at all, says Randy Maniloff of White and Williams LLP. [Read more »](#)

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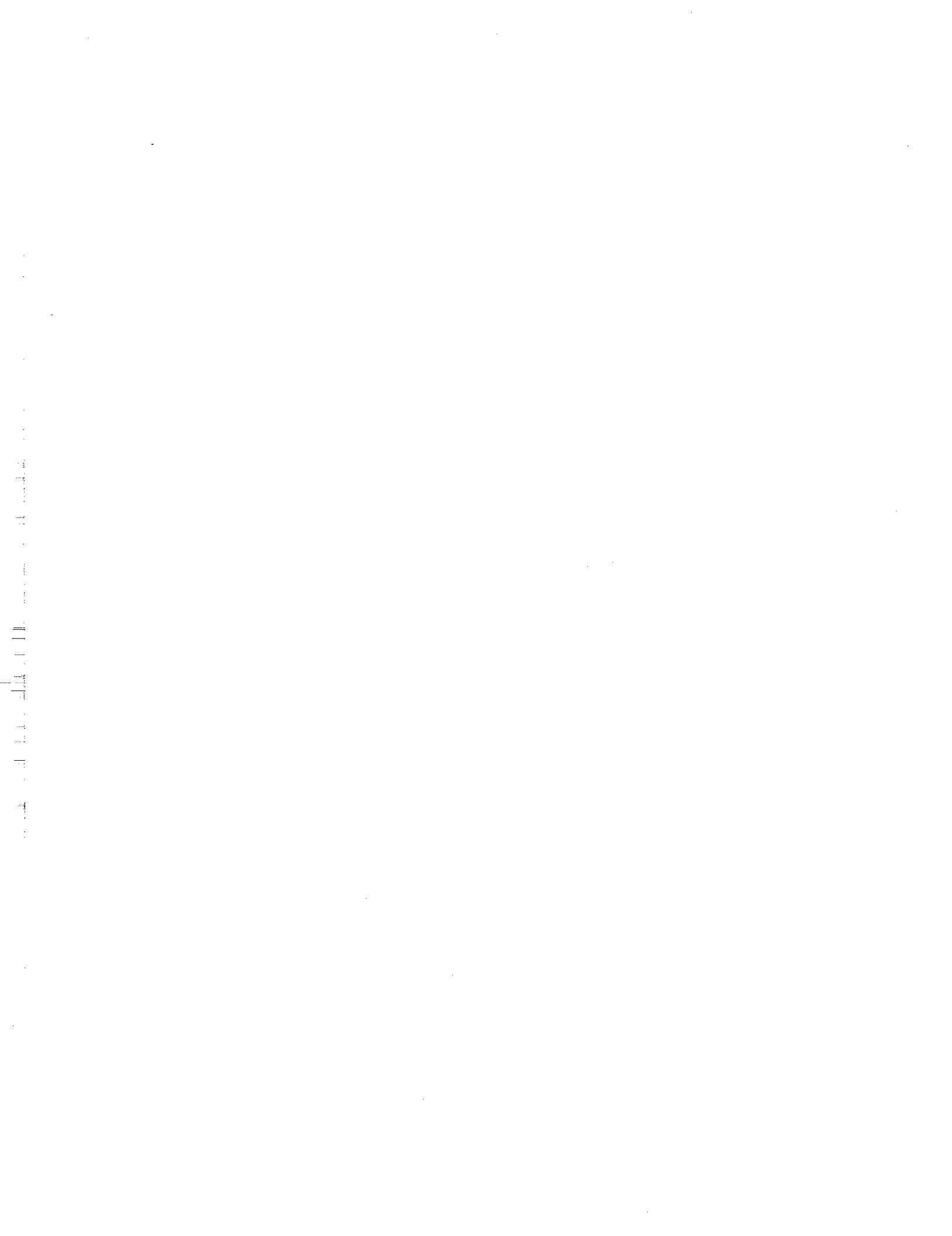
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From: Public Policy Law360
Sent: Thursday, June 7, 2018 5:34 AM
To: Rep48
Subject: Justices Urged To Patch Split Over Chevron 'Silence'



PUBLIC POLICY

Introducing Law360 Tax Authority

An new way for tax specialists to get the news, insight, and updates they need to stay ahead of the curve.

Thursday, June 7, 2018



TOP NEWS

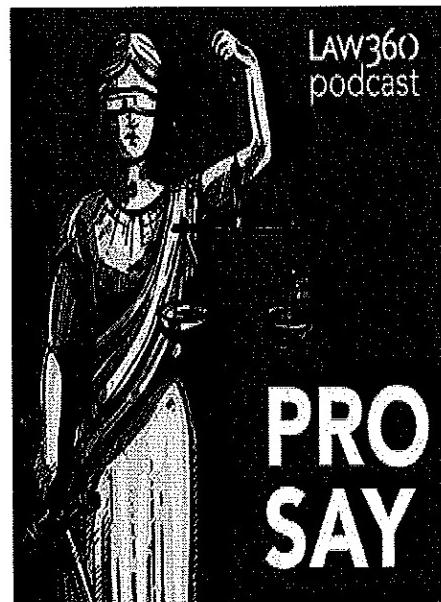
Justices Urged To Patch Split Over Chevron 'Silence'

A group of California commercial fishing organizations quarreling with the federal government over threatened sea otters have asked the U.S. Supreme Court to resolve a question of "tremendous practical and legal consequences" under the Chevron deference doctrine, seizing on recent efforts to weaken the pro-government legal rule. [Read more »](#)

Senate OKs Trump's Alabama District Judge Pick

The Senate confirmed President Donald Trump's 42nd judicial nominee on an 83-11 vote Wednesday, sending Annemarie Carney Axon to the federal bench in the Northern District of Alabama. [Read more »](#)

Senate Panel Advances Buchanan Ingersoll Vet For 3rd Circ.



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LAW FIRMS

Alston & Bird
Arnold & Porter

The Senate Judiciary Committee pushed forward with the Third Circuit nomination of Buchanan Ingersoll & Rooney PC shareholder David J. Porter, holding a confirmation hearing Wednesday despite Democrats' criticisms of his record and lack of home-state support.

[Read more »](#)

Auto Safety Groups Lose Bid To Force DOT Seat Belt Rule

The D.C. Circuit on Tuesday rejected a bid by auto safety groups to force the U.S. Department of Transportation to immediately publish a proposed safety standard requiring automobile warnings when backseat passengers don't buckle up. [Read more »](#)

CFPB To Dissolve Consumer Advisory Board, 2 Other Groups

The Consumer Financial Protection Bureau told members of its consumer advisory board on Wednesday that it's letting them go, two days after some board members accused the agency's acting director, Mick Mulvaney, of trying to sideline the statutorily-required group. [Read more »](#)

Analysis

Trump's Steel Tariffs May Worsen Permian Pipeline Crunch

President Donald Trump's decision to move ahead with sweeping steel tariffs could further tighten the current pipeline logjam in the oil-rich Permian Basin of West Texas, making it tougher for producers to get their oil and gas out of the ground and into the market, experts say. [Read more »](#)

BANKING & SECURITIES

Nasdaq Withdraws Proposal To Ease SPAC Listing Rules

Nasdaq Stock Market has withdrawn a proposal to ease its listing rules for special purpose acquisition companies, which are increasingly popular vehicles that conduct

Baker Donelson
BakerHostetler
Barack Ferrazzano
Berry Appleman
Buchanan Ingersoll
Cadwalader Wickersham
Cahill Gordon
Casillas Santiago
Clark Hill
Copilevitz & Canter
Cravath Swaine
Davis Polk
Dechert
Dickinson Wright
Foley & Lardner
Fragomen Del Rey
Frost Brown Todd
Gibson Dunn
Goodwin
Harman Claytor
Harris Wiltshire
Haynes and Boone
Hogan Lovells
Hueston Hennigan
 Hunton Andrews Kurth
Jenner & Block
Jomarron Lopez
King & Spalding
Klee Tuchin
Levy Ratner
Lexington Law Group
Meyer Glitzenstein
Milbank Tweed
Morgan Lewis
O'Melveny & Myers
Paul Hastings
Paul Weiss
Proskauer Rose

initial public offerings to fund acquisitions, the U.S. Securities and Exchange Commission said on Tuesday. Read more »

ENERGY & ENVIRONMENTAL

Calif. Court Affirms State Rule For Lead Discharge Levels

A California appeals court on Tuesday affirmed a state agency's rule determining the maximum amount of lead that companies can discharge into potential drinking water, declining to rescind a clause setting minimal lead levels after finding the guideline was consistent with federal research. Read more »

National Park Infrastructure Projects Score \$256M In Funding

The U.S. Department of the Interior on Wednesday unveiled \$256 million worth of construction projects and other payments designed to help the National Park Service overhaul and improve its aging infrastructure. Read more »

Enviros Seek Plastic Bag Ban And Fees In New York

Environmental advocates said they delivered a petition to Democratic Gov. Andrew Cuomo's office on Wednesday advocating a version of a plastic bag ban that would include fees that are absent from the proposal put forward in April by the governor's office. Read more »

Pa. House OKs New Conventional Drilling Rule Framework

A divided Pennsylvania House of Representatives has given its approval to a bill that critics say would roll back key environmental regulations on conventional oil and gas operations in the state. Read more »

Group Prods Gov't To Boost Killer Whales' Protected Habitat

The Center for Biological Diversity on Wednesday accused the National Marine

Quinn Emanuel
Reichard & Escalera
Robbins Russell
Simpson Thacher
Strasburger & Price
Thompson & Knight
Troutman Sanders
Wallace Jordan
Willkie Farr
WilmerHale
Winstead PC
Winston & Strawn

COMPANIES

AARP Inc.
AT&T Inc.
Amazon.com Inc.
American Cable Association
American Civil Liberties Union
American Council of Life Insurers
California Farm Bureau Federation
Center for Biological Diversity Inc.
Chevron Corporation
Comcast Corporation
Communications Workers of America
Deloitte Touche
Economists Incorporated
Electronic Privacy Information Center
Ernst & Young
Facebook
Federation Internationale de Football Association
GSM Association
Google Inc.
Huawei Technologies
KPMG International
Make the Road New York

Fisheries Service of flouting federal law by dragging its feet on boosting protected habitat off the West Coast for the endangered Southern Resident killer whale, of which only 76 remain. [Read more »](#)

MEDIA & ENTERTAINMENT

'Reckoning' For Antitrust As Comcast-NBCU Conditions End

U.S. antitrust enforcement is nearing a "moment of reckoning," Sen. Richard Blumenthal said Wednesday as he looked to the expiration, in a matter of months, of conditions placed on Comcast's acquisition of NBCUniversal, conditions the Connecticut Democrat has said may need to be extended. [Read more »](#)

INSURANCE

Insurers Ask 5th Circ. To Definitively End Fiduciary Rule

A collection of insurance industry groups asked the Fifth Circuit on Wednesday to issue a mandate ordering the U.S. Department of Labor to strike down its fiduciary rule, which requires retirement advisers to act in clients' best interest, in the wake of the court's March decision to invalidate the rule. [Read more »](#)

EMPLOYMENT

New NLRB Chair Plans To Restore 'Balance' To Board

The National Labor Relations Board has "in recent years" cost workers jobs in its zeal to protect their rights, new board Chairman John Ring said Wednesday at a discussion in Manhattan [Read more »](#)

Va. School Board Can File Quick Appeal In Trans Bias Case

A Virginia school board can ask the Fourth Circuit to consider whether Title IX covers discrimination based on gender identity, a

Miller Buckfire & Co. LLC
NASDAQ OMX Group Inc.
NBCUniversal Inc.
National Collegiate Athletic Association
National Consumer Law Center
New York Immigration Coalition
Pacific Legal Foundation
Plains All American Pipeline, L.P.
PricewaterhouseCoopers
Public Knowledge
Ralph Lauren Corp.
SIFMA
Sierra Club
Skype Technologies SA
TSR Inc.
The Center for Auto Safety
Trafigura Group Pte Ltd.
U.S. Chamber of Commerce
Verizon Communications
Wayfair LLC
Wells Fargo & Co.
ZTE Corp.
Zeughauser Group LLC
beIN Media Group LLC

GOVERNMENT AGENCIES
Bureau of Citizenship and Immigration Services
California Environmental Protection Agency
Committee on Foreign Investment in the United States
Consumer Financial Protection Bureau
Department of Commerce
Energy Information Administration
European Commission
European Union
Executive Office of the President

federal judge ruled Tuesday, marking the latest twist in a transgender high school graduate's discrimination case that has previously made its way to the U.S. Supreme Court. Read more »

CYBERSECURITY & PRIVACY

FTC Head Promises 'Vigorous' Protection Of Consumer Data

Recently confirmed Federal Trade Commission member Rohit Chopra said in D.C. on Wednesday he intends for the agency to "vigorously enforce" privacy protections under his watch, saying the United States has fallen behind on consumer data protection. Read more »

AEROSPACE & DEFENSE

Senate Begins Debate On \$716B Defense Bill For 2019

The U.S. Senate on Wednesday kicked off a debate on its \$715.9 billion version of the sweeping 2019 defense authorization bill, legislation that includes a focus on emerging technologies, a planned makeover for the U.S. Department of Defense's promotion system and other policy provisions. Read more »

Navy Told To Fix Shipbuilding Process As Expansion Looms

The U.S. Navy could stand to make improvements to its shipbuilding programs as it plans its biggest fleet increase in more than three decades, the U.S. Government Accountability Office said Wednesday, noting that the operation has faced consistent shortcomings over the last 10 years. Read more »

INTERNATIONAL TRADE

EU Retaliatory Duties On US Goods Slated To Hit In July

Federal Communications Commission

Federal Energy Regulatory Commission

Federal Trade Commission

Fish and Wildlife Service

Government Accountability Office

Internal Revenue Service

Kentucky Department of Revenue

NAFTA

National Highway Traffic Safety Administration

National Labor Relations Board

National Marine Fisheries Service

National Park Service

New York State Department of Financial Services

Occupational Safety and Health Administration

Pueblo of Laguna of New Mexico
Securities and Exchange Commission

Tennessee Valley Authority

U.S. Census Bureau

U.S. Department of Defense

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Navy

U.S. Senate

U.S. Supreme Court

United States District Court for the Eastern District of Pennsylvania

United States District Court for the Southern District of New York

The European Union announced Wednesday that its duties on more than \$3 billion worth of U.S. goods will take effect in July as Brussels retaliates against the Trump administration's steel and aluminum restrictions with a 25 percent levy on U.S. metals, vehicles, food products and scores of other items. [Read more »](#)

Canada, EU Join WTO Dogpile Against US Metal Duties

Major U.S. trading partners continued their campaign against the Trump administration's national security-based steel and aluminum tariffs on Wednesday, with both Canada and the European Union filing new World Trade Organization cases alleging that the duties flout global trade rules. [Read more »](#)

TAX

GOP Lawmaker Dismisses EU's Criticisms Of TCJA

The U.S. Congress has no intention of changing the federal tax overhaul legislation despite criticisms from foreign officials that the new law may violate World Trade Organization policies, a Republican lawmaker on the House Ways and Means Committee said Wednesday at a conference in Washington, D.C. [Read more »](#)

Calif. Bill To Dodge SALT Deduction Cap Gets Makeover

A California state senator on Monday made changes to a signature bill meant to encourage charitable donations and help state taxpayers skirt a new federal law that caps state and local tax deductions at \$10,000. [Read more »](#)

OMB Ill-Prepared To Oversee Tax Guidance, Economist Says

The Office of Management and Budget doesn't have the resources to effectively oversee tax regulations issued by the U.S. Treasury Department, despite an agreement reached

World Trade Organization

this year expanding its oversight capacity, an economist at the Brookings Institution said Wednesday at a conference in Washington, D.C. [Read more »](#)

BANKRUPTCY

Agreement Reached In Puerto Rico Sales Tax Revenue Fight

A long and contentious battle between municipal bondholders and other creditors over claims to more than \$17 billion in pledged Puerto Rico sales tax collections may have reached an end, as representatives for the warring groups filed court papers Tuesday saying they've come to an agreement in principle. [Read more »](#)

IMMIGRATION

Analysis

Attys Brace For Potential Slash Of TN Visas In NAFTA Talks

While President Donald Trump proceeds with rocky negotiations over the North American Free Trade Agreement, attorneys are preparing for the possibility that one of the treaty's key visa programs might be on the chopping block. Here, Law360 looks at how attorneys are advising clients amid the uncertainty. [Read more »](#)

Trump Hit With New Suit Over Census Citizenship Question

The Trump administration on Wednesday was hit with another lawsuit challenging its decision to add a question to the 2020 census asking whether individuals are U.S. citizens, with several immigration organizations contending in New York federal court that the inclusion will depress participation among minorities. [Read more »](#)

Philly Lands Win In DOJ Immigration Fight Over Grant Funds

A Pennsylvania federal judge on Wednesday sided with the city of Philadelphia in its bid to keep U.S. Attorney General Jeff Sessions from withholding critical federal funding unless the city agreed to cooperate with immigration officials. [Read more »](#)

NATIVE AMERICAN

NM's Haaland Poised To Be First Native Woman In Congress

Pueblo of Laguna member Deb Haaland said Wednesday she is happy with her margin of victory in Tuesday's Democratic primary for New Mexico's First Congressional District, and hopes a win in the general election this fall — which would make her the first Native American woman in Congress — will spur other Native women to run. [Read more »](#)

TELECOMMUNICATIONS

EU Updating Telecom Rules With Eye To 5G

European Union leaders unveiled a deal Wednesday to update the bloc's telecommunications rules as they ready for the next generation of smartphone networks, an update aimed at boosting network investments in part by coordinating spectrum assignments and syncing regulation. [Read more »](#)

Google Tells FCC Streamlined Broadband Installation Is Safe

Google Inc. has hit back against suggestions that its preferred procedures for installing new broadband infrastructure are causing contractors to make dangerous mistakes, telling the Federal Communications Commission that the techniques are faster and safer for utility workers if followed correctly. [Read more »](#)

Group Asks DC Circ. To Rehear FTC Soundboard Call Rule

A telemarketing industry group urged the full D.C. Circuit to rehear its suit against the Federal Trade Commission, arguing Tuesday that a panel decision against them imperiled their industry and left them without an avenue for court review. [Read more »](#)

EXPERT ANALYSIS

Series

Masterpiece Cakeshop: Core Questions Left For Another Day

In its majority opinion Monday in *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, the U.S. Supreme Court did not attempt to decide between free exercise of religion and speech or civil rights for gay Americans. Instead, it decided the case on grounds that are so narrow and case-specific that they are hardly useful as precedent, says Christina Crozier of Haynes and Boone LLP.

[Read more »](#)

An Update On CFIUS Reform

After six months of wrangling over the fate of a proposal to modernize the Committee on Foreign Investment in the United States, the U.S. Congress appears primed to streamline the CFIUS review process. As it currently stands, the proposed legislation would alter the process in many critical respects, say attorneys with Gibson Dunn & Crutcher LLP. [Read more »](#)

How Kentucky Changed Its Nearly 100-Year-Old Tax Structure

Kentucky's 2018 regular session of the General Assembly brought sweeping changes to an overall tax structure that had been largely untouched over the last century, Mark Sommer and Rowan Reid of Frost Brown Todd LLC discuss what changed and what stayed the same. [Read more »](#)

NY Reg 187 Amendment May Not Be In Anyone's Best Interest

The New York State Department of Financial Services has proposed an updated first amendment to its Regulation 187, imposing a "best interest" rule on life insurers and producers licensed in New York. However, the updated amendment may be difficult to enforce and could subject Regulation 187 to certain legal challenges, say attorneys at Alston & Bird LLP. [Read more »](#)

LEGAL INDUSTRY

Simpson Thacher Joins Firms Raising Associate Salaries

Simpson Thacher & Bartlett LLP and Chicago-based boutique law firm Barack Ferrazzano Kirschbaum & Nagelberg LLP on Wednesday joined a handful of other firms that this week announced plans to raise associate pay following Milbank Tweed Hadley & McCloy LLP's lead on Monday. [Read more »](#)

Troutman Sanders, Winstead Are Eyeing A Tie-Up

Troutman Sanders LLP and Winstead PC held discussions earlier this year on a potential merger, four sources with knowledge of the conversations told Law360 on Wednesday, the latest indication that law firms remain eager to expand into Texas. [Read more »](#)

Feature

Why BigLaw Loves Mob Prosecutors

Want a top post at a large law firm? Experts say building cases against the mafia is the perfect training ground. [Read more »](#)

Analysis

Calif. Judge's Ouster May Presage More Recall Bids

The decision by voters in a California county to oust a judge who gave a light sentence to Stanford University swimmer Brock Turner for a felony sex assault may encourage similar campaigns against sitting judges in the state

and elsewhere who hand down controversial decisions, experts say. [Read more »](#)

Deloitte To Buy 8 Int'l Offices From Immigration Law Firm

Deloitte intends to acquire the non-U.S. business of immigration law firm Berry Appleman & Leiden LLP, the accounting giant said Wednesday, adding eight offices and 170 professionals specializing in immigration law around the globe. [Read more »](#)

JOBs

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From: Public Policy Law360
Sent: Tuesday, June 12, 2018 4:43 AM
To: Rep48
Subject: AG Sessions Tightens Restrictions For Asylum Seekers



PUBLIC POLICY

Introducing Law360 Tax Authority

A new way for tax specialists to get the news, insight, and updates they need to stay ahead of the curve.

Tuesday, June 12, 2018



TOP NEWS

AG Sessions Tightens Restrictions For Asylum Seekers

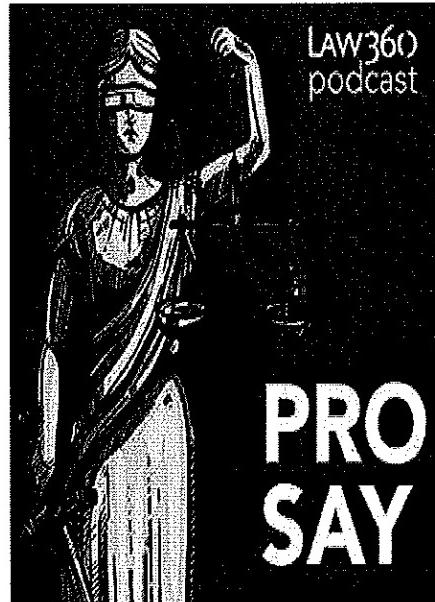
U.S. Attorney General Jeff Sessions on Monday narrowed the circumstances under which members of particular “social groups,” including domestic violence victims and LGBTQ individuals, have grounds to petition for asylum, releasing his decision in a Board of Immigration Appeals case that he referred to himself. [Read more »](#)

Analysis

Supreme Court, Bitterly Divided, Backs Ohio Voting System

From snarky one-liners to grave charges of historical ignorance, Monday’s 5-4 decision in a U.S. Supreme Court case over Ohio’s system for purging its voter rolls elicited heated rhetoric among the justices in what has been a common occurrence this term. [Read more »](#)

Interview



Listen to our new podcast here

LAW FIRMS

Berwin Leighton Paisner
Broad and Cassel

Trump's G7 Broadside Weakens Trade Hand, Ex-USTR Says

President Donald Trump's open rebuke of top U.S. partners and refusal to endorse a joint statement with his fellow G7 leaders over the weekend was intended as a power play, but it is more likely to end up hampering U.S. efforts on trade, former U.S. Trade Representative Carla Hills told Law360. Read more »

Trustee Defends \$15B Suit Over SEC's 'Unlawful Power Grab'

A liquidation trustee suing the U.S. Securities and Exchange Commission for almost \$15 billion in allegedly ill-gotten disgorgements told a Massachusetts federal judge on Friday that the agency's 9s arguments against the suit cannot insulate its "unlawful power grab" from being challenged. Read more »

NEC Director Kudlow Has Heart Attack, Trump Says

National Economic Council Director Larry Kudlow, who has emerged as a key player in the Trump administration's trade enforcement push in recent weeks, suffered a heart attack Monday night, President Donald Trump announced on Twitter. Read more »

BANKING & SECURITIES

Securities Fraud Class Actions Must Be Curtailed, Attys Say

Class action securities fraud suits have proliferated in recent years, a trend that's harming U.S. businesses, investors and the economy, and it needs to be reversed, a panel of defense attorneys said at an event Monday in Lafayette Hills, Pennsylvania. Read more »

Payday Groups Defend Joint Request For CFPB Rule Stay

Two payday lender trade groups on Monday defended their joint request to the Consumer Financial Protection Bureau for a stay of the compliance date of the agency's so-called

Brown Rudnick

Bryan Cave

Buchanan Ingersoll

Cleary Gottlieb

Cohen Milstein

Cravath Swaine

Dentons

Edwards Law

Fox Swibel

Frantz Ward

Freshfields

Greenberg Traurig

Gupta Wessler

Hogan Lovells

Hoguet Newman

Hughes Hubbard

Hunton Andrews Kurth

Irell & Manella

Jones Day

Katten Muchin

Littler Mendelson

Milbank Tweed

Morgan Lewis

Native American Rights Fund

Nelson Mullins

Norton Rose Fulbright

Peckar & Abramson

Post & Schell

Proskauer Rose

Reed Smith

Reynolds Frizzell

Selendy & Gay

Shapiro Arato

Sheppard Mullin

Simpson Thacher

Wigdor LLP

WilmerHale

Winston & Strawn

payday rule, telling a Texas federal judge that the consumer advocates who want to weigh in against the request are off the mark. Read more »

ENERGY & ENVIRONMENTAL

Ga., 10 Others Win Injunction Over Clean Water Act Rule

Georgia and 10 other states won a preliminary injunction in Georgia federal court Friday barring the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers from implementing the highly contested Waters of the United States rule, which they allege is overly broad Read more »

HEALTH & LIFE SCIENCES

Lawmakers Seek To Hold USPS 'Accountable' In Opioid Bill

A bipartisan, bicameral congressional group has reached an agreement on a bill aimed at holding the federal government "accountable" for preventing synthetic opioids from being trafficked into the U.S. through the Postal Service, according to a statement by the House Ways and Means Committee. Read more »

MEDIA & ENTERTAINMENT

NJ Sports Betting Bill Now Law After High Court Victory

New Jersey Gov. Phil Murphy on Monday signed legislation to permit sports betting at casinos and racetracks, putting the finishing touch on a yearslong legal battle that led last month to a U.S. Supreme Court decision authorizing such gambling in the Garden State. Read more »

EMPLOYMENT

Interview

COMPANIES

Alion Science and Technology Corp.
American Bankers Association
American Bar Association
American Civil Liberties Union
Cable News Network Inc.
Citizens for Responsibility and Ethics in Washington
Comcast Corporation
Community Financial Corp.
DISH Network Corporation
DXC Technology Co.
Equifax Inc.
Exterro Inc.
F-Squared Investment Management LLC
Facebook
IMF Bentham Ltd.
Intelsat SA
James McHugh Construction Co.
Kaspersky Lab Ltd.
KeyPoint Government Solutions
McKesson Corp.
NBCUniversal Inc.
National Consumer Law Center
National Wildlife Federation
Natural Resources Defense Council
Neota Logic Inc.
PayPal Inc.
Public Citizen Inc.
S1 Corporation
Southern Environmental Law Center
Sprint Nextel Corporation
Trump Organization Inc.
Twitter Inc.
U.S. Chamber of Commerce

NLRB On Right Path With Joint Employer, Elex Regs: Ex-Chair

Turning to agency rulemaking — a mechanism the National Labor Relations Board has used just a handful of times in its 82-year history — to resolve when businesses can be deemed joint employers was the right move, as was the NLRB's call for input on whether to scrap Obama-era regulations meant to streamline the union election process, former NLRB chair and current Morgan Lewis partner Philip Miscimarra told Law360 in an exclusive interview. This is the first article in a two-part series. [Read more »](#)

COMPETITION

Kaspersky Urges DC Circ. To Expedite Federal Ban Ruling

Embattled Russian cybersecurity firm Kaspersky Lab Inc. urged the D.C. Circuit to quickly decide its appeal over a ban on the U.S. government using its products, saying a growing stigma resulting from the ban has significantly hurt its bottom line. [Read more »](#)

INTERNATIONAL TRADE

US Sanctions Russian Cos. Over Expanded Cyber Capabilities

The Trump administration has imposed new sanctions on several Russian businesses and individuals accused of working with Russia's main counterintelligence and security agency, the U.S. Department of the Treasury announced Monday, saying the sanctioned entities' actions "jeopardize the safety and security" of the U.S. and its allies. [Read more »](#)

Analysis

Tariffs Threaten Construction With Delays, Increased Costs

The construction industry is scrambling to deal with the Trump administration's steel and aluminum tariffs as uncertainty about the price of each metal appears likely to delay projects

UnitedLex Corp.

Vencore Inc.

Veritas Capital Fund Management LLC

Washington & West LLC

Wells Fargo & Co.

Yelp Inc.

GOVERNMENT AGENCIES

Army Corps of Engineers

Bureau of Citizenship and Immigration Services

Bureau of Indian Affairs

Commonwealth of Kentucky

Consumer Financial Protection Bureau

Equal Employment Opportunity Commission

European Union

Federal Bureau of Investigation

Federal Communications Commission

Federal Trade Commission

NAFTA

National Economic Council

National Labor Relations Board

New Jersey Legislature

New York State Assembly

New York State Senate

Office of Foreign Assets Control

Pennsylvania Department of Revenue

Pennsylvania Supreme Court

Securities and Exchange Commission

Texas Attorney General's Office

Texas Department of Criminal Justice

Three Affiliated Tribes of the Fort Berthold Reservation

U.S. Army

and increase the price of construction, experts say. [Read more »](#)

TAX

Supreme Court Won't Review Nextel's \$3.9M Tax Refund Suit

The U.S. Supreme Court said Monday it would not hear an appeal from Nextel Communications asking the court to find whether it was entitled to a \$3.9 million refund following the Pennsylvania Supreme Court's saying a law limiting business losses violated the state constitution. [Read more »](#)

IMMIGRATION

DOJ Calls DACA Unlawful, Refuses To Back It In Texas Fight

The Trump administration on Friday declined to defend the federal Deferred Action for Childhood Arrivals program against a challenge brought by Texas and six other states, telling a Texas federal court that it believes the policy is unlawful. [Read more »](#)

Feds Wrongly Detained 2 Immigrant Spouses, Judge Says

A Massachusetts federal judge on Monday laid out his rationale for declaring last month that the federal government unlawfully detained two Brazilian natives who are part of a putative class action that alleges the federal government is violating the U.S. Constitution by detaining immigrants who seek green cards through their spouses. [Read more »](#)

US Can't Split Yemenis' Case Alleging Immigration Bias

A New York federal judge on Monday denied the federal government's bid to break up a case in which several individuals allege that immigration officials are dragging out their bids to petition for relatives to enter the United States from Yemen because of the U.S.

U.S. Attorney's Office

U.S. Customs and Border Protection

U.S. Department of Defense

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of State

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. General Services Administration

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Postal Service

U.S. Supreme Court

government's bias against Muslims. Read more »

NATIVE AMERICAN

DOI Solicitor Pulls Back Ruling On ND Tribal Mineral Rights

The office of the U.S. Department of the Interior's solicitor said Friday that it was temporarily taking back and suspending part of an Obama-era ruling by the same office that backed the Mandan, Hidatsa & Arikara Nation's claims against the state of North Dakota to certain mineral rights on the tribe's reservation. Read more »

8th Circ. Allows Block On ND Voter ID Law Through Primaries

The Eighth Circuit has refused North Dakota's bid to stay a district judge's injunction that blocked portions of a 2017 state voter identification law for discriminating against Native American voters, allowing the ruling to remain in effect through Tuesday's primary elections in the state. Read more »

TELECOMMUNICATIONS

Net Neutrality Repeal Means Status Quo, Supporters Say

The Federal Communications Commission's net neutrality deregulation rules officially took effect Monday, as advocates of the new regime reiterated that nothing will change from a consumer standpoint. Read more »

Comcast Wary Of FCC Opening Up Its Spectrum For 5G

Comcast Corp. and NBCUniversal have told the Federal Communications Commission they still rely on C-band spectrum for transmitting broadcast content and that the band must be protected from interference as the agency considers opening spectrum access for 5G. Read more »

Telecoms Float Solution To \$3.3B FCC Spectrum Credit Row

Two telecom companies denied some \$3.3 billion in credits for spectrum licenses reserved for small businesses have urged the Federal Communications Commission to take another look at their request, arguing their revised operating agreements create more space from DISH Network Corp. [Read more »](#)

CIVIL RIGHTS

Texas Inmates' Settlement, \$4.5M In Fees OK'd In Heat Suit

A Texas federal judge has approved a class action settlement on behalf of a group of prisoners who argued exposure to extreme heat violated their constitutional rights, including the approval of \$4.5 million in fees and expenses that the Texas Department of Criminal Justice agreed to pay class counsel. [Read more »](#)

WHITE COLLAR

Ex-NY Senate Boss, Son Can't Dodge 2nd Graft Trial

A New York federal judge has refused to throw out corruption charges against former New York State Senate Majority Leader Dean Skelos and his son Adam, setting the stage for a retrial to begin next week. [Read more »](#)

AGs, Trump Duel Over Implications Of 'Emoluments'

Attorneys general for Maryland and the District of Columbia squared off Monday with the U.S. Department of Justice over the scope of the term "emoluments" in a battle in Maryland federal court over whether foreign payments to the Trump International Hotel in Washington violate the Constitution. [Read more »](#)

EXPERT ANALYSIS

A Look At 2 GDPR-Inspired Privacy Bills In Senate

The very public and high-profile allegations against Facebook have led to more discussion about data privacy than ever before within the U.S. Two pieces of proposed legislation have the potential to considerably change the U.S. data privacy regime, but it is not clear that either has a realistic chance of passing, say attorneys with Cleary Gottlieb Steen & Hamilton LLP. [Read more »](#)

Congress' Overlooked Environmental Legislation

The House recently passed — and now the Senate is considering — the most important piece of energy and environmental legislation it will consider all year. It isn't a revision to the Endangered Species Act or the Clean Water Act. It's the National Defense Authorization Act, say attorneys with WilmerHale. [Read more »](#)

Opinion

Claimants Shouldn't Be Forced To Disclose Litigation Funding

Many have compared the Litigation Funding Transparency Act — recently introduced in the Senate — to the established requirement that defendants disclose insurance coverage information. But the bill would result in costly discovery sideshows that unnecessarily burden claimants and courts, say Matthew Harrison and John Harabedian of Bentham IMF. [Read more »](#)

Opinion

Hiding Complaints About Wall St. Benefits Mulvaney Donors

Since 2012, the Consumer Financial Protection Bureau has maintained a public database of consumer complaints that has helped hold financial institutions accountable for unscrupulous practices. But acting CFPB Director Mick Mulvaney — who received political contributions from some of the most complained-about companies in the database

— appears to be on a quest to shut it down, say law professors Pamela Foohey and Amy Schmitz. [Read more »](#)

Series

Masterpiece Cakeshop: What Did The Baker Win?

The U.S. Supreme Court's decision in *Masterpiece Cakeshop v. Colorado Civil Rights Commission* granted victory to the cake shop owner, but on such narrow grounds that it won't protect other religious dissenters from anti-discrimination laws. And it's not generally understood how minuscule the victory is, says Andrew Koppelman, professor of law and political science at Northwestern University.

[Read more »](#)

LEGAL INDUSTRY

Cravath Tops Milbank's Associate Pay Scale

Cravath Swaine & Moore LLP on Monday announced plans to top the mid- and senior-level associate pay scale set forth a week ago by Milbank Tweed Hadley & McCloy LLP.

[Read more »](#)

Dentons Ignored Managing Director's Harassment, Suit Says

Dentons ignored a female business development specialist who complained that the male managing director of the firm's venture technology group repeatedly groped her and hit on her using graphic come-ons, according to a suit filed Monday in New York state court. [Read more »](#)

Nelson Mullins Will Merge With Fla. Firm Broad And Cassel

Nelson Mullins Riley & Scarborough LLP and Florida-based Broad and Cassel LLP will combine at the beginning of August, the firms announced on Monday, creating a consolidated firm with more than 725 attorneys

nationwide and a strong footprint in the southeastern U.S. [Read more »](#)

Legal Tech Download: Reed Smith's Associate Feedback App

The world of legal technology is quickly evolving, with new products coming to market in rapid succession. Here, Law360 takes a look at six recent developments. [Read more »](#)

Interview

15 Minutes With The General Counsel Of Vencore

Kevin Boyle has been the general counsel of Vencore for approximately the past year, guiding the \$1.2 billion provider of information solutions, cybersecurity, engineering and analytics for the U.S. government through an initial public offering and a merger. Here, Law360 talks to Boyle about the recent merger, the one thing he values most in outside counsel, and his thoughts on the billable hour. [Read more »](#)

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PUBLIC POLICY

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Friday, June 15, 2018



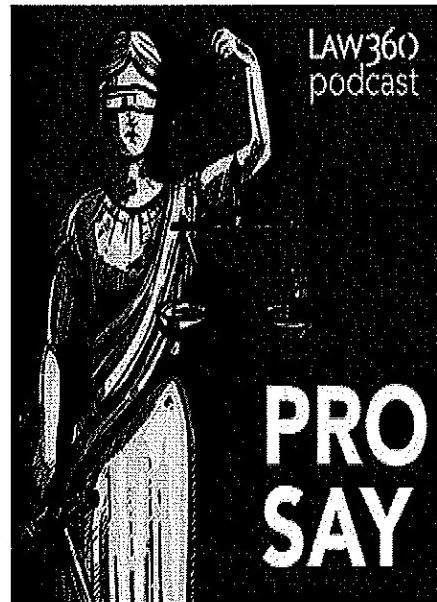
TOP NEWS

Comey 'Insubordinate' In Clinton Email Probe, Watchdog Says

A U.S. Department of Justice watchdog scolded former FBI head James Comey on Thursday for "insubordination" in his handling of the Hillary Clinton probe during the 2016 presidential election, but found no evidence that the decision not to prosecute the former secretary of state was tainted by political bias. [Read more »](#)

Supreme Court Says Foreign Gov't Submissions Not Binding

The U.S. Supreme Court on Thursday held that a foreign government's interpretation of its own law is not "binding" on U.S. courts, throwing out a Second Circuit ruling nixing a \$147 million price-fixing judgment against two Chinese companies that received support from the Chinese government. [Read more »](#)



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LAW FIRMS

Akerman

Akin Gump

Trump Pick For Okla. Judgeship Advances Over Dems' Grips

A judge on the shortlist for future U.S. Supreme Court openings made progress Thursday toward an Oklahoma federal court post, despite complaints from Democrats about his previous attacks on the U.S. Environmental Protection Agency and his lack of American Bar Association vetting [Read more »](#)

SEC Official Says Bitcoin And Ether Are Not Securities

A key Securities and Exchange Commission official said Thursday that the agency does not consider cryptocurrencies bitcoin and ether to be securities, while affirming that many digital tokens sold in fundraising schemes known as initial coin offerings are indeed securities.

[Read more »](#)

Kaspersky Banned From Gov. Agencies By Federal Council

The Federal Acquisition Regulatory Council on Thursday introduced an interim rule that will ban federal agencies from using products made by embattled Russian-owned cybersecurity firm Kaspersky Lab Inc., saying the council was trying to give agencies and contractors time to adjust to the ban. [Read more »](#)

BANKING & SECURITIES

Currency Comptroller Resists Calls For Bank Review Info

The head of the Office of the Comptroller of the Currency told senators Thursday that it would be inappropriate for his agency to release more detailed findings from its now-completed major review of sales practices at several dozen banks in the wake of the Wells Fargo unauthorized accounts scandal. [Read more »](#)

NRA Asks To Depose NY Regulator In Discrimination Suit

Arnold & Porter
Babst Calland
Ballard Spahr
Barnes & Thornburg
Boies Schiller
Brewer, Attorneys & Counselors
Brigilia Hundley
Buckley Sandler
Cleary Gottlieb
Cooper & Kirk
Covington & Burling
Cozen O'Connor
Cravath Swaine
Cullen Law Firm
Cuti Hecker
Davis Polk
Debevoise & Plimpton
Duane Morris
Eversheds Sutherland
Galanda Broadman
Gibson Dunn
Glaser Weil
Goodwin
Harris Wiltshire
Hausfeld
Hawke McKeon
Hobbs Straus
Holwell Shuster
Husch Blackwell
Immigration Law PLLC
Irell & Manella
Jones Day
Kanji & Katzen
Kaplan & Company LLP
Kasowitz Benson
King & Spalding
Kirkland & Ellis
Laura Devine Solicitors

The National Rifle Association said Thursday that it wants to depose New York's top financial services regulator to help it prepare its bid for a preliminary injunction in its suit accusing her of working with Gov. Andrew Cuomo to squash the gun rights advocacy organization by cutting it off from financial services. [Read more »](#)

ENERGY & ENVIRONMENTAL

EPA To Move Forward With New Pesticide Training Protocol

The U.S. Environmental Protection Agency will officially announce the availability of expanded pesticide safety training materials in the Federal Register, ending its postponement of an Obama-era rule that required certain employers to provide updated training, the New York Attorney General's Office announced Thursday. [Read more »](#)

HEALTH & LIFE SCIENCES

House Passes Bill Targeting Opioids Sent Via Foreign Mail

The U.S. House of Representatives cracked down on opioids sent through international mail, passing a bill Thursday that would require reporting to the U.S. Customs and Border Protection about the contents and senders of all foreign mail shipments, as well as impose a new fee for international express mail shipments. [Read more »](#)

Insurers, Doctors, Hospitals Assail GOP's New ACA Challenge

More than two dozen trade groups representing insurers, medical providers, hospitals and consumers on Thursday told a Texas federal judge the country's entire health care sector would be thrown into chaos if the court strikes down the Affordable Care Act's pre-existing condition protections. [Read more »](#)

Locke Lord
Manatt Phelps
McCandlish Holton
McDermott Will
Milbank Tweed
Nemecek & Cole
O'Donoghue & O'Donoghue
O'Melveny & Myers
Orrick Herrington
Paul Hastings
Paul Weiss
Proskauer Rose
Quinn Emanuel
Riley Safer
Rimon PC
Saul Ewing
Selendy & Gay
Sidley Austin
Simpson Thacher
Skadden
Stroock & Stroock
Susman Godfrey
Thomson & Weintraub
Weil Gotshal
Weinberg Roger
Wiley Rein
Willkie Farr
WilmerHale
Wilson Sonsini
Winston & Strawn

COMPANIES
AARP Inc.
AT&T Inc.
Airbnb Inc.
Amazon.com Inc.
America's Health Insurance Plans
American Academy of Family Physicians

IP & TECHNOLOGY

As New IP Tariffs Loom, China Implores Trump To Negotiate

With the Trump administration preparing to impose tariffs to punish China for its intellectual property regime, Beijing on Thursday made a last-ditch effort to convince the White House to hold off and instead peacefully negotiate a solution to the escalating trade quarrel. [Read more »](#)

New Bill Would Bar Quick Generics Approval For PTAB Users

Generics and biosimilar drugmakers who challenge brand patents at the Patent Trial and Appeal Board would be effectively closed off from accelerated approval pathways under a bill introduced Wednesday by U.S. Sen. Orrin Hatch, R-Utah, who co-authored the original law that enabled sped-up generics approvals. [Read more »](#)

MEDIA & ENTERTAINMENT

3rd Time's No Charm For Trump's Bid To Halt Defamation Suit

The New York Court of Appeals on Thursday denied President Donald Trump's bid to stay the defamation suit brought by former "Apprentice" contestant Summer Zervos over his claims that she lied when accusing him of sexual misconduct, the third time a court has blocked his efforts to stymie the suit. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

Drivers Look For Class Cert. In Pa. Highway Toll Fight

Trade groups and trucking companies suing over highway tolls charged by the Pennsylvania Turnpike Commission urged a federal judge on Wednesday to certify a class

American Academy of Pediatrics
American Automobile Association
American Bar Association
American Cancer Society Inc.
American Civil Liberties Union
American College of Physicians
American Diabetes Association
American Federation of Government Employees
American Heart Association
American Hospital Association
American Immigration Lawyers Association
American Medical Association Inc.
American Public Health Association
Association for Accessible Medicines
Association of American Medical Colleges
Bank of America Corporation
CTIA
Center on Budget and Policy Priorities
Consumer Federation of America
DEI HOLDINGS INC
Deloitte Touche
Dyson Ltd.
Facebook
Federation of American Hospitals Inc.
Financial Industry Regulatory Authority Inc.
General Motors
Google Inc.
HomeAway Inc.
Huawei Technologies
International Association of Machinists and Aerospace Workers

of more than 100,000 motorists, saying common questions of the tolls' constitutionality bind the group together. [Read more »](#)

INSURANCE

US Doesn't Owe ACA Money To Insurers, Fed. Circ. Rules

Health insurance companies are not entitled to billions of dollars in Affordable Care Act funding that Congress has withheld, the Federal Circuit ruled Thursday. [Read more »](#)

REAL ESTATE

Boston City Council Approves Airbnb Rental Restrictions

The Boston City Council has voted heavily in favor of regulating short-term rental units, making it illegal to post investor-owned units on platforms such as Airbnb, approving an ordinance introduced by the mayor. [Read more »](#)

EMPLOYMENT

Dems' Ambitious Pro-Labor Bill A Nonstarter, Experts Say

The sweeping labor law overhaul proposed Wednesday by leading Democrats is a nonstarter in today's Republican-controlled Congress but could lay the groundwork for future changes to the country's long-static union policy if the party regains control of Congress and the White House, experts told Law360. [Read more »](#)

Unions Sue To Void Trump's Civil Service Reform Orders

Thirteen unions that represent federal workers sued President Donald Trump Wednesday seeking to invalidate three executive orders aimed at reforming the nation's civil service system, including by making it easier to fire workers and streamlining the collective bargaining process,

International Brotherhood of Teamsters

Internet Corporation for Assigned Names and Numbers

Kaspersky Lab Ltd.

Land of Lincoln Mutual Health Insurance Co.

Marsh & McLennan Companies Inc.

Match.com Inc.

Nascar Holdings Inc.

National Association of Manufacturers

National Health Law Program

National Rifle Association of America

Natural Resources Defense Council

Netflix Inc.

PhRMA

Public Company Accounting Oversight Board

Public Knowledge

Quicksilver Resources Inc.

Relativity Media LLC

Service Employees International Union

Sprint Nextel Corporation

State Farm

The Catholic Health Association of the United States

The DIRECTV Group, Inc.

The Western Reserve Group

Time Warner Inc.

Twitter Inc.

U.S. Chamber of Commerce

Wells Fargo & Co.

Yahoo! Inc.

GOVERNMENT AGENCIES

saying the president overstepped his legal bounds by issuing them. Read more »

AEROSPACE & DEFENSE

Senate Set For Final Defense Policy Bill Vote

The U.S. Senate teed up a final vote on its \$715 billion National Defense Authorization Act Thursday, setting up a showdown with the White House over sanctions against Chinese telecommunications company ZTE after the chamber's final vote Monday. Read more »

House Panel Approves \$675B Defense Spending Bill

The House Appropriations Committee on Wednesday easily approved its nearly \$675 billion defense spending bill for fiscal 2019, but rejected a proposal to sunset the current congressional war authorization, which has been in place since just after 9/11. Read more »

INTERNATIONAL TRADE

Commerce Chief Off To Hill To Explain Security-Based Tariffs

Commerce Secretary Wilbur Ross will appear before the Senate Finance Committee next week to explain the administration's controversial use of a Cold War-era law to impose sweeping tariffs for national security purposes, the committee announced late Wednesday. Read more »

IMMIGRATION

7th Circ. Denies DOJ Bid For Urgency In Sanctuary City Row

The U.S. Department of Justice urged the Seventh Circuit on Thursday to rule by Monday on the agency's pending bid to stay a nationwide injunction of a prohibition on releasing public safety funds to so-called

Attorney Registration and Disciplinary Commission
Bureau of Citizenship and Immigration Services
Bureau of Indian Affairs
Central Intelligence Agency
Committee on Foreign Investment in the United States
Delaware Nation
Department of Commerce
European Union
Executive Office of the President
Federal Acquisition Regulatory Council
Federal Bureau of Investigation
Federal Communications Commission
Financial Crimes Enforcement Network
Financial Reporting Council
Food and Drug Administration
Georgia Supreme Court
Government Accountability Office
Illinois Department of Insurance
Illinois Supreme Court
Internal Revenue Service
International Trade Commission
Massachusetts Legislature
National Aeronautics and Space Administration
National Highway Traffic Safety Administration
National Labor Relations Board
National Oceanic and Atmospheric Administration
National Telecommunications and Information Administration
New York Attorney General's Office
New York State Department of Financial Services

sanctuary cities, but the court responded hours later denying the request. Read more »

5 Attys On Keeping Up With Changing Immigration Policy

Representatives for the American Immigration Lawyers Association on Thursday urged attorneys to brace for policy changes in the U.S. and abroad, to take up litigation and to push forward on claims relating to detention and asylum. Here are the five top pieces of advice for immigration attorneys drawn from theAILA's national conference in San Francisco. Read more »

Calif. AG Says He Will Fight Trump On Raids, Other Policies

California Attorney General Xavier Becerra is prepared to fight federal immigration authorities who target the sanctuary state for work-site raids and other enforcement activities, he said at the American Immigration Lawyers Association's annual conference in San Francisco on Thursday. Read more »

Calif. Wants Feds' Challenge To Its Immigration Laws Tossed

A California federal court should toss a case initiated by the federal government challenging several of the state's immigration-related laws, as they do not preempt federal laws and are within the state's legal rights, the Golden State argued Wednesday. Read more »

Families Fight 'Secret' End Of CAM Immigration Program

A group of immigrant families accused the Trump administration in a California federal court Wednesday of secretly terminating a program that allowed Central American children to join their families in the U.S., after the government rescinded conditional approvals under the program for 3,000 children and young adults last year. Read more »

NATIVE AMERICAN

Nooksack Indian Tribe
Office of Foreign Assets Control
Office of the Comptroller of the Currency
Oklahoma Supreme Court
Omaha Tribe of Nebraska
Otoe-Missouria Tribe
Pawnee Nation of Oklahoma
Pennsylvania Department of Transportation
Ponca Tribe of Indians of Oklahoma
Securities and Exchange Commission
Seminole Tribe of Florida
Shawnee Tribe
U.S. Air Force
U.S. Army
U.S. Customs and Border Protection
U.S. Department of Defense
U.S. Department of Energy
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of State
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Environmental Protection Agency
U.S. General Services Administration
U.S. House of Representatives
U.S. Postal Service
U.S. Senate
U.S. Supreme Court
United Keetoowah Band of Cherokee Indians
Wage and Hour Division

World Trade Organization

Tribal Council Candidates Blast DOI, Allege Election Fraud

Four Nooksack tribal council candidates who lost in a December special election filed suit on Wednesday in Washington federal court, alleging that the U.S. Department of the Interior did not properly oversee the election that they said was fraudulent and likely included ballot stuffing. [Read more »](#)

TELECOMMUNICATIONS

Telecom Agency Head Grilled On US Internet Oversight

The head of the government agency charged with setting internet policy told lawmakers Wednesday that he hopes the public will weigh in on whether the Trump administration can or should reverse an Obama-era decision relinquishing government control of the internet to international groups. [Read more »](#)

Sprint Defends FCC 5G Cell Review Exemptions At DC Circ.

Sprint Corp. asked for permission Wednesday to intervene on behalf of the FCC against consolidated D.C. Circuit challenges by Native American tribes and environmentalists contesting an agency rule exempting small-cell fixtures necessary for building up next-generation or 5G networks from environmental and historic reviews. [Read more »](#)

Don't Let Wireless Interests Skew CBRS Licenses, FCC Told

The Federal Communications Commission must thwart an attempt by mobile service providers to lock down large swaths of spectrum through overreaching license areas in the Citizens Broadband Radio Service, representatives from a coalition of public interests groups told the agency this week. [Read more »](#)

PEOPLE

Babst Calland Nabs Ex-DOT Official, Self-Driving Cars Pro

Babst Calland Clements & Zomnir PC has snagged the U.S. Department of Transportation's former chief of trends and analysis and senior adviser on vehicle safety enforcement to join its Washington, D.C., office, where he will specialize in advising clients on emerging technology, including autonomous or self-driving vehicles. Read more »

EXPERT ANALYSIS

Series

FLSA Turns 80: The Future Of Work Is Here

As we mark the Fair Labor Standards Act's 80th anniversary later this month, it is an appropriate time to reflect on its history and consider the ways it most needs to evolve to keep pace with changes in the workplace and allow employers to provide the flexible work arrangements that many employees want, say Jessica Perry and Dan Corbett of Orrick Herrington & Sutcliffe LLP. Read more »

Streamlining Section 337: Some Big Changes At ITC

Overall, the new amendments to the U.S. International Trade Commission rules governing Section 337 unfair trade practice investigations are seen as improvements. But some observers believe the increased options may slow proceedings, say attorneys with Eversheds Sutherland LLP. Read more »

What To Expect From PCAOB's Ongoing Transition

Since reaching full strength in April, the Public Company Accounting Oversight Board has wasted little time in charting a new course for the audit regulator, starting with a 360-degree review and the departure of several senior staff. Among other things, the board is

contemplating drilling more deeply into firms' quality control systems, says Robert Cox of Briglia Hundley PC. [Read more »](#)

House Hearing Stirs Debate On Insuring Autonomous Vehicles

A U.S. House subcommittee hearing last month on self-driving vehicles and the future of insurance highlighted stakeholders' differing views on whether technology companies should be legally required to provide insurers with vehicle data. A failure to reach agreement on data sharing will hamper the legislative process, say attorneys with Akin Gump Strauss Hauer & Feld LLP. [Read more »](#)

Why Lawyers Shouldn't Accept Fees In Cryptocurrency: Part 2

The legal industry has already begun to feel the impact of anti-bribery and anti-money laundering requirements. When involved with cryptocurrency trading and remittance, law firms face more than the risk of being perceived as organizations that support money laundering practices, says John Reed Stark of John Reed Stark Consulting LLC. [Read more »](#)

LEGAL INDUSTRY

Feature

4 Ways To Become Influential At Your Law Firm

Becoming an influential force within a large law firm can be difficult; there are social dynamics to navigate, legal work to juggle, and no guidebook on how to have sway. Here, those with influence in their firms offer up four tips on how to build clout. [Read more »](#)

BigLaw Firms Clamor To Match Cravath In Associate Pay Race

Skadden, Cleary and Weil Gotshal are among the law firms that have recently added their names to a growing list of shops that plan to match the associate salary raises and bonus

structure put forth earlier this week by Cravath.
[Read more »](#)

Interview

New Manatt Head To Ambitious Young Lawyers: 'Be Curious'

Donna Wilson, the next managing partner and CEO of Manatt Phelps & Phillips LLP, has a piece of advice for law students and young lawyers who aspire to lead a large firm one day: "Be curious." [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

The legal lions this week are led by a team of attorneys that successfully argued in D.C. federal court that AT&T's acquisition of Time Warner should proceed over the objections of the U.S. Department of Justice, while the legal lambs list kicks off with embattled Trump advocate Michael Cohen. [Read more »](#)

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Wednesday, June 20, 2018



TOP NEWS

Former Top Attys, State AGs Condemn Family Separations

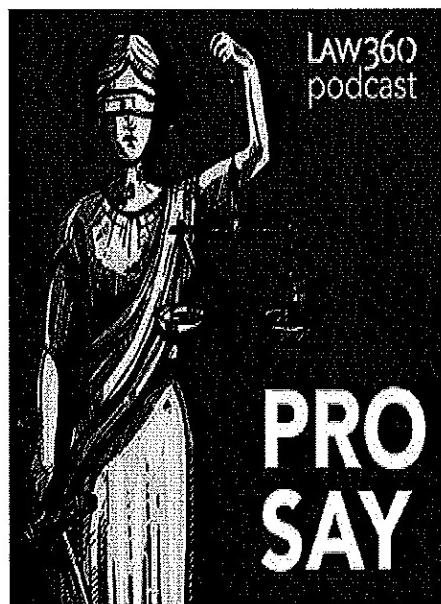
A flood of condemnation over the Trump administration's new "zero tolerance" immigration policy that's left nearly 2,000 children separated from their parents at the border poured in on Monday and Tuesday from former U.S. attorneys and state attorneys general who called for an end to the "cruel and illegal attack" on immigrant families. [Read more »](#)

Senate To Mull Bills To End Immigrant Family Separation

Senators have started to spin up their efforts to end the White House's policy of separating undocumented immigrant parents from their children at the U.S. border Tuesday, even as partisan divides have quickly started to open up in the talks. [Read more »](#)

Trump Backs House Immigration Reform Bills

President Donald Trump told Republican representatives at a meeting Tuesday evening that he would support immigration reform legislation, but the lawmakers were still left questioning how they would move forward on



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LAW FIRMS

Allen & Overy

Axinn

Ayres Law Group

Baker McKenzie

Barack Ferrazzano

Bredhoff & Kaiser

Buckley Sandler

Clark Hill

an immigration compromise reached last week.
[Read more »](#)

Feature

\$716B Senate Defense Bill Sets Up Clash With White House

The U.S. Senate's nearly \$716 billion version of the 2019 National Defense Authorization Act sets up several future fights, both with the White House over a clause to reinstate sanctions against Chinese technology company ZTE and with the House of Representatives over differences in philosophy — and funding. [Read more »](#)

Analysis

High Court's Vitamin C Ruling Leaves Work For Lower Courts

The U.S. Supreme Court ruled in an antitrust case over Chinese vitamin C exports that U.S. courts are not bound by another country's description of its own laws, but the justices only provided a few hints about how much weight to give competing evidence about what a foreign law requires, leaving trial courts to parse the deference due in future cases. [Read more »](#)

Feature

Meet The Judge Who Will Decide The ACA's Fate

The Texas federal judge presiding over the latest legal assault on the Affordable Care Act has a BigLaw background, Capitol Hill connections, deep roots in the Lone Star State and a judicial track record that could send ACA supporters reaching for bottles of Xanax. [Read more »](#)

BANKING & SECURITIES

Ambac Opens 1st Circ. Fight Over Puerto Rico Bond Diversion

Ambac Assurance Corp. on Monday launched its opening arguments in an appeal over the diversion of highway bond revenues in Puerto Rico stemming from a ruling in the territory's

Cooley
Cravath Swaine
Dorsey & Whitney
Ferraiuoli LLC
Foley & Lardner
Fried Frank
Gibson Dunn
Goldstein & Russell
Greenberg Gross
Greenberg Traurig
Gunderson Dettmer
Gunster
Hogan Lovells
Holland & Knight
Holwell Shuster
Hueston Hennigan
Hunton Andrews Kurth
Jackson Lewis
Jenner & Block
Jones Day
Keker Van Nest & Peters
Kramer Levin
Latham & Watkins
Littler Mendelson
Lynn Pinker
McDermott Will
Milbank Tweed
Morgan Lewis
Morrison & Foerster
Ogletree Deakins
Proskauer Rose
Quinn Emanuel
Raines Feldman
Reed Smith
Sanford Heisler
Schulte Roth
Selendy & Gay
Simpson Thacher

bankruptcy-type cases, saying the underlying acts by the island's government violated the Constitution. [Read more »](#)

ENERGY & ENVIRONMENTAL

Interview

FERC Chair Pledges To Uphold Markets Amid Trump Bailouts

Preserving the viability of regional wholesale electricity markets will be a Federal Energy Regulatory Commission priority in the face of a Trump administration plan to prop up struggling coal and nuclear power plants, FERC Chairman Kevin McIntyre told Law360 in an exclusive interview. [Read more »](#)

White House Mulling Big NEPA Changes

The Trump administration said Tuesday it was considering major changes in how the nation's cornerstone environmental law is implemented with an eye toward streamlining permitting processes, prompting howls of criticism from green groups. [Read more »](#)

DC Circ. Rules DOI Needn't Update Coal Lease Enviro Study

The D.C. Circuit on Tuesday held that the U.S. Department of the Interior does not have a legal obligation to reexamine the environmental impacts of its coal leasing program in order to account for climate change, in a blow for green groups that sought to force the agency's hand. [Read more »](#)

Spain Ordered To Pay €112M Over Renewable Energy Reforms

Spain must pay more than €112 million to units of the European private equity firm Antin Infrastructure Partners for revoking certain economic incentives for renewable energy producers, marking another loss in arbitration for the country over the measures, a source

Sohagi Law Group
Strasburger & Price
Vinson & Elkins
Watson LLP
White & Case
Winston & Strawn

COMPANIES

Achmea BV
Acxiom Corporation
America's Health Insurance Plans
American Arbitration Association
American Bar Association
American Hospital Association
Apple Inc.
Association of Corporate Counsel
Assured Guaranty Ltd.
Avnet Inc.
Boehringer Ingelheim
Center for Biological Diversity Inc.
Center on Budget and Policy Priorities
Cigna Corporation
Columbia Sportswear Company
Deutsche Telekom AG
Dollar Tree Inc.
Dominion Energy Inc.
Electronic Privacy Information Center
Epic Systems Corp.
Ernst & Young
Facebook
GAZ Group
Gazprom
Google Inc.
Huawei Technologies
Independence Blue Cross Inc.
Intel Corporation

with knowledge of the award told Law360 on Tuesday. Read more »

LA County's Land-Use Plan Gets Past Enviro Group Objection

A California appeals court on Tuesday upheld Los Angeles County's approval of a 1,800-acre land use plan, rejecting a green group's argument that an additional environmental assessment was warranted because the plan relied on an outdated information. Read more »

IP & TECHNOLOGY

DC Circ. Backs Boehringer In FTC Atty-Client Privilege Row

The D.C. Circuit refused to overturn a ruling that communications subpoenaed from Boehringer Ingelheim Pharmaceuticals Inc. during a Federal Trade Commission pay-for-delay investigation are covered by attorney-client privilege, saying Tuesday one of their main purposes was to get legal advice. Read more »

MEDIA & ENTERTAINMENT

SPLC Apologizes, Pays \$3.4M For Labeling Org. 'Extremist'

The Southern Poverty Law Center has agreed to pay nearly \$3.4 million to Islamic think tank Quilliam Foundation and its founder, Maajid Nawaz, and issued a public apology to them after labeling them as "anti-Muslim extremists" in a publication, the organizations announced on Monday. Read more »

EMPLOYMENT

DOL Blesses ACA-Skirting Association Health Plans

The U.S. Department of Labor published its long-anticipated final rule on association health plans on Tuesday, relaxing the requirements for small businesses to band together to create

International Centre for Settlement of Investment Disputes

JPMorgan Chase & Co.

Kindred Healthcare Inc.

LinkedIn Corp.

Major Lindsey & Africa

Microsoft Corporation

National Basketball Players Association

Natural Resources Defense Council

New York Times Co.

Nike Inc.

P.F. Chang's China Bistro Inc.

PNC Financial Services Group Inc.

Precision Castparts Corp.

PricewaterhouseCoopers

Safeco

Sinclair Broadcast Group, Inc.

SoftBank Group Corp.

Southern Poverty Law Center

T-Mobile USA Inc.

Tribune Media Co.

Twitter Inc.

U.S. Bancorp

U.S. Chamber of Commerce

Wal-Mart Stores Inc.

Washington Post Co.

Xerox Corporation

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services

Bureau of Land Management

Committee on Foreign Investment in the United States

Consumer Financial Protection Bureau

Council on Environmental Quality

Defense Health Agency

health care plans that skirt certain Affordable Care Act requirements, in a move that drew sharp criticism from Democrats and cheers from Republicans. [Read more »](#)

Rutgers Whistleblower Row Revived Over Judge's Silence

A New Jersey state appeals court on Tuesday revived a whistleblower suit against Rutgers University from an ex-employee alleging he was fired in retaliation for his objecting to the school's procurement methods, saying a trial court failed to spell out its reasons for dismissing the case and denying a bid to extend discovery. [Read more »](#)

COMPETITION

EU Antitrust Chief Sees Global Progress Curbing State Aid

The European Union's top competition enforcer touted progress Tuesday in getting countries outside the EU to avoid picking economic winners and losers through "harmful subsidies," part of her efforts to take the bloc's state aid rules global. [Read more »](#)

CYBERSECURITY & PRIVACY

Facebook App Creator Backs Data Privacy Regulation Efforts

U.S. Senate lawmakers and cybersecurity experts, including the creator of the app that allowed Cambridge Analytica to harvest millions of unwitting Facebook users' data, on Tuesday agreed that online companies need more formal data collection and sharing rules, although some balked at the suggestion that regulation should hew too closely to the European Union's current framework. [Read more »](#)

CONSUMER PROTECTION

Dems Ask CFPB Pick To Describe Her Role In Border Policy

Defense Logistics Agency
Department of Commerce
European Commission
European Union
Executive Office of the President
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Trade Commission
Food and Drug Administration
Government Accountability Office
Internal Revenue Service
NATO
National Labor Relations Board
Office of Foreign Assets Control
Office of the U.S. Trade Representative
Oregon Department of Revenue
Pennsylvania Supreme Court
Securities and Exchange Commission
Texas Supreme Court
U.S. Agency for International Development
U.S. Air Force
U.S. Attorney's Office
U.S. Department of Defense
U.S. Department of Energy
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of State
U.S. Department of the Interior
U.S. Department of the Treasury

Two top Democrats on the Senate Banking Committee want to know whether a White House budget official who's been picked to lead the Consumer Financial Protection Bureau had any hand in a Trump administration policy that's resulted in the separation of more than 2,000 children from their parents at the U.S.-Mexico border since May. [Read more »](#)

PRODUCT LIABILITY

Opioid Research Rules Tweaked In Bills Passed By House

The U.S. House of Representatives on Tuesday passed a series of bills changing federal policy on research and approvals for opioids, as part of a broader package of measures aimed at addressing the nation's addiction crisis. [Read more »](#)

AEROSPACE & DEFENSE

Ex-Senate Staffer Seeks To Gag Trump Over 'Leaker' Remark

A former Senate Intelligence Committee aide asked a Washington, D.C., federal judge for a gag order on President Donald Trump on Tuesday, saying the jury pool is likely to be tainted by comments like one Trump made calling him a "leaker." [Read more »](#)

DOJ Watchdog Reviewing Russia Probe For FBI Bias

U.S. Department of Justice Inspector General Michael Horowitz told members of Congress on Tuesday that his office is investigating whether an FBI agent's negative views of then-candidate Donald Trump played a role in the decision to open an investigation into the Trump campaign's contacts with Russia. [Read more »](#)

DC Circ. Grounds Battle Over Privacy In FAA Drone Rules

U.S. House of Representatives
U.S. Senate
U.S. Supreme Court
World Trade Organization